

Annex A

Contains,

Health Act 1947

Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020

Emergency Measures in the Public Interest (Covid-19) Act 2020

Number
28 of
1947.

HEALTH ACT, 1947.

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Acts Referred to

Air Navigation and Transport Act, 1936	No. 40 of 1936
National Health Insurance Act, 1929	No. 42 of 1929
Tuberculosis (Establishment of Sanatoria), Act, 1945	No. 4 of 1945
Road Traffic Act, 1933	No. 11 of 1933
Public Assistance Act, 1939	No. 27 of 1939
Local Government Act, 1941	No. 23 of 1941
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Transport Act, 1944	No. 21 of 1944
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Number 28 of 1947.

HEALTH ACT, 1947.

AN ACT TO MAKE FURTHER AND BETTER PROVISION IN
RELATION TO THE HEALTH OF THE PEOPLE AND TO
PROVIDE FOR THE MAKING OF REGULATIONS BY VIRTUE
OF WHICH CERTAIN CHARGES MAY BE MADE. [13th August,
1947.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

Preliminary and General.

Short title.

1.—This Act may be cited as the Health Act, 1947.

Definitions.

2.—(1) In this Act—

the expression “adult person” means a person who is sixteen
years of age or older;

the word “advertisement” includes every form whatsoever of
recommendation of any thing to the public, including, in
particular—

(a) the statement of the name of such thing or of any
brand, trade description or designation by reference
to which such thing is sold, where such statement

may reasonably be regarded as a recommendation of such thing to the public,

- (b) the statement of any properties of such thing on a label, container or wrapper used for such thing or in a leaflet, circular, pamphlet or brochure issued to the public or on request or given to a purchaser of such thing,

and cognate words shall be construed accordingly;

the word "aircraft" has the same meaning as it has in the [Air Navigation and Transport Act, 1936](#) (No. 40 of 1936);

the expression "chief medical officer" means a county medical officer for a county or a city medical officer for a county borough;

the word "child" means a person who is less than sixteen years of age;

the expression "coastal waters" means waters within a distance of three nautical miles from any point on the coast measured from low-water mark of ordinary spring tides;

the word "disinfestations" means the cleansing and protection of any person or thing from vermin;

the expression "district medical officer" means a medical officer of health under [section 73](#) of this Act;

the word "dwelling" includes—

- (a) a part of a house, and
- (b) a temporary dwelling;

the word "enactment" includes any order or regulation made under an Act;

the expression "health authority" means a council of a county or a corporation of a county borough;

the expression "health institution" means an institution maintained by a health authority pursuant to [section 10](#) of this Act;

the expression "infected premises notice" means a written notice that, within the three months immediately preceding the giving of the notice, a person has been residing in or has occupied specified premises while suffering from a specified infectious disease;

the word "infectious" includes contagious and the word "infection" includes contagion;

the expression "infectious disease" means primarily any disease included in regulations under subsection (1) of section 29 whether absolutely or by definition of a particular stage of such

disease, but in any section of [Part IV](#) of this Act from the application of which a disease or a stage of a disease is excluded under subsection (2) of the said section 29, the expression does not include such disease or such disease in such stage, as the case may be;

the expression “institution” means a hospital, sanatorium, maternity home, convalescent home, preventorium, laboratory, clinic, health centre, first-aid station, dispensary or any similar institution;

the expression “institutional services” includes—

- (a) maintenance in an institution,
- (b) diagnosis, advice and treatment at an institution,
- (c) appliances and medicines and other preparations,
- (d) the use of special apparatus at an institution;

the expression “the manager” means—

- (a) as respects a health authority which is the corporation of a county borough—the manager for the purposes of the Acts relating to the management of the borough, and
- (b) as respects a health authority which is the council of a county—the manager for the purposes of the County Management Acts, 1940 and 1942;

the expression “medical officer of health” means a chief medical officer, an assistant county medical officer for a county, an assistant city medical officer for a county borough or a district medical officer;

the expression “the Minister” means the Minister for Health;

the word “parent” means, in relation to a child, the person having the legal custody of the child and, where owing to the absence of such person or for any other reason the child is not living with or is not in the actual custody of such person, includes the person with whom the child is living or in whose actual custody the child is;

the word “prescribed” means prescribed by regulations made by the Minister under this Act;

the expression “public conveyance” includes a conveyance available for private hire;

the expression “sanitary authority” has the same meaning as in the Public Health Acts, 1878 to 1931;

the expression “the school manager” means in relation to a school or college, the person for the time being managing the school or college;

the expression “temporary dwelling” means any—

- (a) tent, or
- (b) van, or other conveyance (whether on wheels or not), or
- (c) shed, hut or similar structure, or
- (d) vessel;

the word "vermin" means any insects, being bugs, fleas, lice or itch mites, and includes the eggs, larvæ and pupæ of such insects, and the word "verminous" shall be construed accordingly;

the word "vessel" includes any ship, boat, barge or lighter.

(2) (a) For the purposes of this Act, the functional area of a health authority shall include any coastal waters adjoining such functional area.

(b) Where any coastal waters adjoin the functional areas of two or more health authorities, the Minister may by order provide that for the purposes of paragraph (a) of this subsection the whole or a specified part of the coastal waters shall be regarded as adjoining the functional area of any one of such health authorities, and the said paragraph (a) shall have effect accordingly.

(3) A reference in this Act to contravention of any provision includes, where appropriate, a reference to contravention of that provision by failing or refusing to comply therewith.

Commencement.

3.—This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

Repeals.

4.—The enactments mentioned in the [First Schedule](#) to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Regulations.

5.—(1) The Minister may make regulations in relation to anything referred to in this Act as prescribed.

(2) Regulations under this Act may be so framed as to apply in relation to the whole of the State or to part or parts only of the State.

(3) Where regulations under this Act require records to be kept in relation to the health of individuals, such provision shall be made therein as the Minister thinks necessary or proper for ensuring that the parts of such records containing the names of such individuals shall be treated in a confidential manner and shall not be published save with the consent of such individuals.

(4) No regulation which includes provision in respect of a payment to be made to or by the Minister shall be made by the Minister under this Act without the consent to such provision of the Minister for Finance.

(5) 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.

Continuation of existing regulations.

6.—Every regulation which was made under an enactment repealed by this Act and which was in force immediately before such repeal shall, upon and after such repeal, be deemed to be a regulation made under the appropriate section of this Act and shall have effect and be capable of being amended or revoked accordingly.

Revocation or amendment of order made by the Minister under this Act.

7.—Every power conferred by this Act on the Minister to make any order shall be construed as including a power to revoke or amend any order made under such power and to make another order in lieu of any order so revoked.

Collection and disposal of moneys payable to the Minister.

8.—(1) All moneys payable under this Act or any regulations made under this Act to the Minister shall be collected and taken in such manner as the Minister for Finance shall from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of any moneys payable under this Act or any regulations made under this Act to the Minister.

Expenses of the Minister.

9.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART II.

Institutions.

Provision and maintenance of health institutions.

10.—(1) A health authority may, with the consent of the Minister and in accordance with the directions (if any) given by him from time to time, provide and maintain any institution which they consider necessary and restore, enlarge or otherwise alter any institution maintained by them pursuant to this section.

(2) The Minister, after having caused a local inquiry to be held into the desirability of so doing, may by order direct a health authority to:—

(a) provide and maintain at a specified place an institution of a specified character and size, or

(b) restore, enlarge or otherwise alter in a specified manner any institution maintained by them pursuant to this section;

and such health authority shall comply with such order.

(3) A health authority shall, whenever the Minister by order so directs:—

(a) provide in accordance with the order new, improved or additional drainage, ventilation, water supply, lighting, heating or any other service for any institution maintained by them pursuant to this section,

(b) provide and maintain in any institution so maintained all such fixtures, fittings, furniture, surgical and medical appliances, and other conveniences as may be directed by the order.

(4) An institution which is at the commencement of this section maintained by a health authority under any enactment repealed by this Act shall be deemed to have been provided under this section by that authority.

Discontinuance of health institution.

11.—(1) A health authority may, with the consent of the Minister, discontinue, as from a specified date, a health institution maintained by them or any department of such a health institution.

(2) The Minister, after having caused a local inquiry to be held in relation to the desirability of so doing, may by order direct a health authority to discontinue, as from a specified date, a health institution maintained by them or any department of such an institution.

(3) Where a health institution or a department of a health institution is discontinued under subsection (1) of this section, the Minister may by order make such provisions as appear to him to be necessary and proper in relation to matters incidental to or consequent on the discontinuance.

(4) Where a health institution or a department of a health institution is discontinued by an order under subsection (2) of this section:—

(a) the Minister may by order make such provisions as appear to him to be necessary and proper in relation

to matters incidental to or consequent on the discontinuance,

- (b) the Minister, if he so thinks proper, may by order direct the authority to provide and maintain at a specified place an institution of a specified character or size in substitution for the discontinued institution or department.

(5) A health authority shall comply with every order made in relation to them under this section.

Agreement for use of institution.

12.—(1) A health authority, in lieu of or in addition to themselves providing an institution of a particular kind, may, with the consent of the Minister, make and carry out an agreement with the person having the management of an institution of the same kind for the use of that institution:—

- (a) by a particular inhabitant of the functional area of the health authority, or
- (b) by all inhabitants of that area, or
- (c) by such of those inhabitants as belong to a particular class.

(2) An agreement which was in force immediately before the commencement of this section and which could be made upon such commencement under this section shall be deemed, upon and after such commencement, to be an agreement made under this section and shall have effect accordingly.

Joint user of certain institutions by health authority and public assistance authority.

13.—(1) A health authority and a public assistance authority may, with the consent of the Minister, make and carry out an agreement for—

- (a) the use by such public assistance authority of any health institution or part of a health institution, or
- (b) the use by such health authority of any district institution or dispensary provided under the Act of 1939 or part of any such district institution or dispensary.

(2) Where in pursuance of an agreement made under subsection (1) of this section, a public assistance authority make use of a health institution or part of a health institution for the purposes of a dispensary, such dispensary shall be deemed to have been duly provided under section 42 of the Act of 1939,

(3) In this section—

the expression “the Act of 1939” means the [Public Assistance Act, 1939](#) (No. 27 of 1939);

the expression “public assistance authority” means a public assistance authority under the Act of 1939.

Transfer of district institution.

14.—(1) The Minister may by order transfer a district institution maintained by a public assistance authority under [section 31](#) of the [Public Assistance Act, 1939](#) (No. 27 of 1939), to a health authority whose functional area includes the whole or a substantial part of the functional area of the public assistance authority.

(2) An order under this section shall contain such provisions as the Minister thinks necessary or expedient for enabling the district institution to which the order relates to be taken over and maintained by a health authority in accordance with the order.

(3) An order under this section transferring a district institution from a public assistance authority to a health authority shall, without prejudice to the generality of subsection (2) of this section, contain such provisions for either or both of the following things as the Minister thinks necessary or expedient for the purposes mentioned in the said subsection (2), that is to say:—

(a) adjustments of property rights and liabilities,

(b) transfers of the holders of offices under the public assistance authority whose duties relate to the carrying on of the institution to similar offices under the health authority.

(4) Where, by an order under this section, the holder of an office under a public assistance authority is transferred to a similar office under a health authority, the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(5) When a district institution is transferred to a health authority by order under this section, such order shall have effect in accordance with its terms and the institution shall be deemed to have been provided under [section 10](#) of this Act by the health authority.

Transfer of institution maintained by sanitary authority.

15.—(1) Where, on the appointed day, an institution is maintained by an urban sanitary authority (not being a corporation of a county borough) for the purpose of powers and duties imposed on them by or under an enactment which is repealed by this Act, the Minister may by order transfer such institution to a health authority whose functional area includes the functional area of the sanitary authority.

(2) An order under this section shall contain such provisions as the Minister thinks necessary or expedient for enabling the

institution to which the order relates to be taken over and maintained by a health authority in accordance with the order.

(3) An order under this section transferring an institution from a sanitary authority to a health authority shall, without prejudice to the generality of subsection (2) of this section, contain such provisions for either or both of the following things, as the Minister thinks necessary or expedient for the purposes mentioned in the said subsection (2), that is to say:—

- (a) adjustments of property rights and liabilities;
- (b) transfers of the holders of offices under the sanitary authority whose duties relate to the carrying on of the institution to similar offices under the health authority.

(4) Where, by an order under this section, the holder of an office under a sanitary authority is transferred to an office under a health authority, the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(5) Where an institution is transferred to a health authority by order under this section, such order shall have effect in accordance with its terms and the institution shall be deemed to have been provided under [section 10](#) of this Act by the health authority.

(6) In this section, the expression “the appointed day” means the day fixed by an order under [section 3](#) of this Act for the coming into operation of the provisions of this Act which repeal the enactment by or under which the power and duty of maintaining the institution is conferred or imposed on the sanitary authority.

Transfer of the Hospital of Saint Margaret of Cortona to the Dublin Corporation.

16.—(1) The Minister with the consent of the Minister for Finance may by order transfer the control and management of the Hospital to the Corporation.

(2) An Order under this section shall contain such provisions as the Minister thinks necessary or expedient for enabling the Hospital to be taken over and maintained by the Corporation and may in particular make provision for any of the following things:—

- (a) the dissolution of the Board of Governors of the Hospital,
- (b) the transfer of property whether real or personal (including choses-in-action),
- (c) the transfer of debts and liabilities,
- (d) the transfer of officers and servants.

(3) If the Hospital is transferred by order under this section, it shall be deemed to have been provided under [section 10](#) of this Act by the Corporation.

(4) In this section—

the expression “the Corporation” means the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin;

the expression “the Hospital” means the Hospital of Saint Margaret of Cortona formerly known as the Westmoreland Lock Hospital.

Charges for institutional services.

17.—(1) Where a person receives institutional services from a health authority or pursuant to an agreement made by a health authority under [section 12](#) of this Act, the health authority may, at their discretion, but subject to the provisions of [section 24](#) of the [National Health Insurance Act, 1929](#) (No. 42 of 1929) and to any relevant regulations under [section 28](#) or [section 31](#) of this Act, charge a reasonable sum for such services.

(2) Where a person is detained in an institution under [section 38](#) of this Act no charge shall be made under this section in respect of any institutional services which such person receives during such detention.

(3) In determining what sum is a reasonable sum to be charged under this section for services received by any person, regard shall be had to the financial circumstances of such person,

(4) A charge under subsection (1) of this section for institutional services received from a health authority by any person may be recovered as a simple contract debt in any court of competent jurisdiction from:—

(a) such person or, in case such person has died, his legal personal representative, or

(b) any other person liable to maintain such person for the purposes of the [Public Assistance Act, 1939](#) (No. 27 of 1939), by virtue of section 27 of that Act or, in case such other person has died, his legal personal representative.

Management of health institutions.

18.—(1) A health authority may, with the approval of the Minister, make rules for the conduct and management of a health institution maintained by them, for the regulation of patients in the institution or attending there and for the admission (including admission on special terms as to payment and accommodation) of patients to the institution.

(2) Every rule which was made under subsection (4) of [section 5](#) (repealed by this Act) of the Tuberculosis Prevention (Ireland) Act, 1908, which was in force immediately before the commencement of this section shall, upon and after such

commencement, continue in force and be deemed to be made under this section and to be capable of being amended or revoked accordingly.

Amendment of subsection (2) of section 6 of Tuberculosis (Establishment of Sanatoria) Act, 1945.

19.—The references in subsection (2) of [section 6](#) of the [Tuberculosis \(Establishment of Sanatoria\), Act, 1945](#) (No. 4 of 1945), to the Tuberculosis Prevention (Ireland) Acts, 1908 and 1913, shall be construed as references to this Part of this Act.

Power to provide land for an institution.

20.—(1) Whenever a health authority is satisfied that useful service is being or will be rendered to persons requiring institutional services by the provision of such services in an institution in the functional area of such health authority, such health authority may, on the request of the governing body of such institution and with the consent of the Minister, provide for such institution any land which is shown by such governing body, to the satisfaction of the said health authority, to be required for the efficient performance of the functions of such institution or for the purpose of enlarging or extending it.

(2) Where a health authority determines to provide under this section any land for an institution, such health authority may acquire such land either by agreement with the consent of the Minister or compulsorily under [Part VIII](#) of this Act and (in either case) may convey such land to or for the benefit of such institution.

(3) Where a health authority is requested by the governing body of an institution to provide under this section any land for such institution, such health authority shall, as a condition precedent to their so providing such land, require such governing body to undertake to defray the whole of the cost of so providing such land.

PART III.

Mother and Child Service.

Safeguarding of health of women as respects motherhood.

21.—A health authority shall, in accordance with regulations made under [section 28](#) of this Act make arrangements for safeguarding the health of women in respect of motherhood and for their education in that respect.

Attendance to health of children not pupils of schools.

22.—A health authority shall, in accordance with regulations made under [section 28](#) of this Act, do, in respect of children in their functional area who are not pupils of any school, the following things—

- (a) safeguard and improve their health and physical condition;
- (b) arrange for their medical inspection at schools or other places;
- (c) provide for their education in matters relating to health;

- (d) provide for treatment of their illnesses and defects;
- (e) ascertain cases of mental deficiency.

Attendance to health of pupils of schools.

23.—(1) A health authority shall, in accordance with regulations made under [section 28](#) of this Act, do, in respect of the pupils of every school in their functional area to which this section applies, the following things—

- (a) safeguard and improve their health and physical condition;
- (b) arrange for their medical inspection at the school or any other place;
- (c) provide for their education in matters relating to health;
- (d) provide for treatment of their illnesses and defects;
- (e) ascertain cases of mental deficiency.

(2) This section shall apply to every national school and also to every school to which an order under subsection (3) of this section relates.

(3) Whenever the Minister is not satisfied that the provision made in any school, other than a national school, for the matters mentioned in subsection (1) of this section is adequate he may by order apply this section to such school.

(4) An order under subsection (3) of this section may exempt the school to which it relates from the liability to repay expenses incurred by a health authority.

(5) (a) This subsection applies to—

- (i) a school which is the subject of an order under subsection (3) of this section, and
- (ii) a national school which is a certified school.

(b) Subject to subsection (6) of this section, any expenses incurred by a health authority in providing, under subsection (1) of this section, treatment, medicines, preparations or appliances for a pupil of a school to which this subsection applies shall be repaid to the health authority by, in case the school (whether a national school or not) is a certified school, the managers thereof or, in any other case, the school manager, and shall be recoverable by the health authority from the said managers or school manager (as the case may be) as a simple contract debt in any court of competent jurisdiction.

(6) Subsection (5) of this section shall not apply in relation to—

- (a) the pupils of a school the subject of an order under subsection (3) of this section, which exempts, in

pursuance of subsection (4) of this section, the school from the liability to repay expenses incurred by a health authority, or

(b) any pupil of a certified school not sent thereto pursuant to an order made by a court under the Children Acts, or

(c) any pupil of a school for whose maintenance the health authority is liable.

(7) Any sum payable by virtue of subsection (5) of this section in respect of pupils of a certified school shall be repaid to the managers thereof by the local authority liable under the Children Acts for the maintenance of those pupils and shall be recoverable by the said managers from that local authority as a simple contract debt in any court of competent jurisdiction.

(8) In this section—

the expression “the Children Acts” means the Children Acts, 1908 to 1941;

the expressions “certified school” and “the managers” have the same respective meanings as they have in the Children Acts.

Notice of medical inspection of children.

24.—Before holding under [section 22](#) or [section 23](#) of this Act a medical inspection of the children of a particular class in an area or of the pupils of a school, a health authority shall give in the prescribed manner the prescribed notice of the time and place of such inspection.

Obligation to submit children to medical inspection.

25.—(1) This section shall apply and have effect only in any county or county borough as respects which an order made under subsection (2) of this section is for the time being in force.

(2) The Minister may by order declare this section to be in force and have effect in counties or county boroughs generally or in a particular county or county borough.

(3) Where the Minister makes an order under subsection (2) of this section, he shall cause to be published in one or more newspapers circulating in the county or county borough to which the order relates notice of the effect of such order and of the date on which it will come into operation.

(4) Whenever a medical inspection is arranged under this Act for a child, whether at his home or at any other place, and the parent of such child is made aware of the time and place at which such inspection is to be held, the parent shall submit the child to such inspection unless an exemption from the inspection has been granted under subsection (5) of this section and shall be entitled, on request, to be present at such inspection.

(5) The medical officer having charge of the arrangements for a medical inspection provided under this Act shall grant an exemption in the prescribed form from the inspection in respect of any child in relation to whom there is produced to such officer a certificate in the prescribed form signed by a registered medical practitioner stating that he has examined the child within the prescribed period preceding the inspection.

(6) A person who contravenes subsection (4) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding five pounds, or, in the case of a second or any subsequent offence, to a fine not exceeding ten pounds.

(7) Every person who in connection with an application for an exemption under subsection (5) of this section makes any statement which is to his knowledge false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(8) An offence under this section may be prosecuted by the health authority who provided the medical inspection.

Affording of facilities for medical inspection of children at schools.

26.—(1) A health authority intending to arrange for a medical inspection or periodical medical inspections of children at a school, under this Act, may give to the school manager of the school notice in writing of such intention stating the day or days (not being earlier than seven days after the giving of the notice) on which and the time at which the inspection or inspections will be held and requiring the school manager to afford all reasonable facilities for the inspection or inspections.

(2) A notice under subsection (1) of this section may be addressed to "the school manager" and may be given by delivering it to the school manager of the school to which it relates or by sending it by post to the address at which he ordinarily resides.

(3) A copy of every notice under subsection (1) of this section in respect of a medical inspection to be held in a national school shall be either delivered to the principal teacher of such school or sent by post to such teacher at the school.

(4) The school manager of a school to which a notice given under subsection (1) of this section relates shall cause all reasonable facilities (including facilities for obtaining the names and addresses of pupils attending the school) to be given for the holding of a medical inspection or medical inspections in accordance with the notice and on the day or days and at the time mentioned therein and, if he fails to do so, he shall be

guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(5) Without prejudice to the foregoing subsections of this section, a health authority shall consult the school manager of a school before determining the day or days on which and the time at which a medical inspection or medical inspections of children in the school will be held and shall, so far as may be practicable, comply with the wishes of the school manager.

(6) An offence under this section may be prosecuted by the health authority who gave the relevant notice under this section.

Grant for mother and child service.

27.—An amount not exceeding one-half of the expenses certified by the Minister to have been properly incurred in accordance with regulations made under [section 28](#) of this Act, by a health authority in the execution of this Part of this Act shall be paid to the health authority out of moneys provided by the Oireachtas.

Regulations as to exercise by health authorities of their powers under Part III.

28.—The Minister may make regulations applicable to every health authority, every health authority of a particular class or a particular health authority as to the manner in which and the extent to which they are to exercise their powers under this Part of this Act.

PART IV.

Infectious Disease And Infestation.

Chapter I.

Infectious Disease.

Infectious diseases.

29.—(1) The Minister may by regulation specify the diseases which are infectious diseases.

(2) Regulations under subsection (1) of this section may exclude an infectious disease from the application of any particular section of this Part of this Act.

(3) The Minister may define a disease in regulations under this section in any manner which he considers suitable including, in particular, by reference to any stage of the disease or by reference to any class of sufferers from the disease.

General duty to take precautions against infecting others with infectious disease.

30.—(1) A person who knows that he is a probable source of infection with an infectious disease shall, in addition to taking the precautions specifically provided for by or under this Part of this Act, take every other reasonable precaution to prevent his infecting others with such disease by his presence or conduct or by means of any article with which he has been in contact.

(2) A person having the care of another person and knowing that such other person is a probable source of infection with an infectious disease shall, in addition to the precautions

specifically provided for by or under this Part of this Act, take every other reasonable precaution to prevent such other person from infecting others with such disease by his presence or conduct or by means of any article with which he has been in contact.

(3) A person who contravenes subsection (1) or (2) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

Regulations for preventing the spread of infectious disease.

31.—(1) The Minister may make regulations providing for the prevention of the spread (including the spread outside the State) of an infectious disease or of infectious diseases generally and for the treatment of persons suffering therefrom and the regulations may, in particular, provide for any of the matters mentioned in the [Second Schedule](#) to this Act.

(2) Regulations under this section may provide for their enforcement and execution by officers of the Minister and by health authorities and their officers and may also—

- (a) with the consent of the Minister for Local Government provide for their enforcement and execution by officers of sanitary authorities,
- (b) with the consent of the Minister for Finance, provide for their enforcement and execution by officers of Customs and Excise,
- (c) with the consent of the Minister for Justice, provide for their enforcement and execution by specified officers of that Minister, and
- (d) with the consent of the Minister for Industry and Commerce, provide for their enforcement and execution in any Customs-free airport by specified officers of that Minister.

(3) Regulations under this section may impose duties on officers concerned in the registration of births and deaths.

(4) Regulations under this section may provide for and authorise the making of charges for the purposes of the regulations or for services performed thereunder and may provide for the recovery of such charges.

(5) Regulations under this section may provide for the particulars to be contained in notices to be given under the regulations and for the manner in which such notices may be given.

(6) The Minister shall not make under this section regulations relating to large public service vehicles (as defined in [section 3](#) of the [Road Traffic Act, 1933](#) (No. 11 of 1933)), vehicles for the

conveyance of passengers by rail, vessels or aircraft save after consultation with the Minister for Industry and Commerce.

(7) Where regulations under this section require adult persons to submit themselves or the parents of children to submit such children to specified measures in relation to the protection or immunisation of such adult persons or children against a particular infectious disease, such regulations shall contain provision—

- (a) for the giving of notice of the time and place at which a person will be required to submit himself or the parent of a child will be required to submit such child to any such specified measures, and
- (b) for the giving of information to such person or such parent of the right to exemption under [section 32](#) of this Act.

(8) A person who contravenes a regulation under this section or who wilfully obstructs the execution of a regulation under this section or who gives false or misleading information in purported compliance with a request for information made under a regulation made under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine or fines and such imprisonment.

(9) Where a provision of this Part of this Act or any other enactment requires special precautions to be taken to prevent the spread of infectious diseases or of any particular infectious disease, such provision shall not be construed as restricting the power of making regulations conferred by this section.

Exemption from requirement to submit to measures in relation to protection or immunisation against infectious disease.

32.—(1) (a) Where—

- (i) an adult person is required pursuant to regulations made under [section 31](#) of this Act to submit himself to any specified measure in relation to his protection or immunisation against a particular infectious disease, and
- (ii) such adult person sends, within the prescribed time and in the prescribed manner, to the health authority concerned, a

statement that he objects to submitting himself to such specified measure,

then, unless an order (which relates to such infectious disease and is applicable to such adult person) under paragraph (b) of this subsection is in force, the health authority shall exempt such adult person from such requirement.

(b) The Minister may by order declare that—

- (i) it is necessary, for the purpose of preventing the spread of a particular infectious disease, that all adult persons should submit themselves to a specified measure in relation to their protection or immunisation against such infectious disease, or
- (ii) it is necessary, for the said purpose, that adult persons of a particular class (defined in such manner and by reference to such things as the Minister thinks proper) should submit themselves to such specified measure.

(2) (a) Where—

- (i) the parent of a child is required pursuant to regulations made under [section 31](#) of this Act to submit the child to any specified measure in relation to his protection or immunisation against a particular infectious disease, and
- (ii) such parent sends, within the prescribed time and in the prescribed manner, to the health authority concerned a statement that he objects to submitting the child to such specified measure,

then, unless an order (which relates to such infectious disease and is applicable to the child) under paragraph (b) of this subsection is in force, the health authority shall exempt such parent from such requirement.

(b) The Minister may by order declare that—

- (i) it is necessary, for the purpose of preventing the spread of a particular infectious disease, that all children should be submitted to a specified measure in relation to their protection or immunisation against that infectious disease, or
- (ii) it is necessary, for the said purpose, that children of a particular class (defined in such

manner and by reference to such things as the Minister thinks proper) should be submitted to such specified measure.

Selling or letting dwelling after infection.

33.—Where—

- (a) a person sells or lets a dwelling in which to his knowledge a person has been residing at any time during the preceding three months while suffering from an infectious disease, and
- (b) he did not before selling or letting the dwelling give in the prescribed manner an infected premises notice to the district medical officer for the district in which the dwelling is situated,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Cesser of occupation of dwelling after infection.

34.—Where—

- (a) the occupier of a dwelling (not being the owner thereof) ceases to occupy the dwelling, and
- (b) a person has, to the knowledge of the occupier, been residing in the dwelling at any time during the preceding three months while suffering from an infectious disease, and
- (c) the occupier did not either before or immediately after ceasing to occupy the dwelling give in the prescribed manner an infected premises notice to the owner of the dwelling,

the occupier shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Question as to infection in dwelling.

35.—Where—

- (a) a person either—
 - (i) is concerned in selling or letting a dwelling or showing a dwelling with a view to its being sold or let, or
 - (ii) has ceased during the preceding three months to occupy a dwelling, and

(b) he is questioned by another person interested in such sale or letting as to whether at any time during the preceding three months a person has resided in the dwelling while suffering from an infectious disease, and

(c) he makes to the question an answer which is to his knowledge false or misleading in any material particular,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Giving of lodging after infection.

36.—(1) Where—

(a) a person provides lodging in any premises for persons other than members of his own household, and

(b) he lodges a person in a room or other place in such premises which, to his knowledge, has been occupied at any time during the preceding three months by another person while suffering from an infectious disease, and

(c) he did not before so lodging such person give in the prescribed manner an infected premises notice to the district medical officer for the district in which the premises are situated,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) In this section, the word "premises" includes a temporary dwelling.

Procedure on giving of infected premises notice to the district medical officer.

37.—(1) At any time not more than seven days after the receipt from any person (in this section referred to as the owner) by a district medical officer of an infected premises notice the medical officer may require any disinfection or disinfestation of the premises to which such notice relates and shall before the expiration of the said seven days inform the owner either that no such requirement is made or the nature and extent of such requirement.

(2) Where a district medical officer requires under subsection (1) of this section any disinfection or disinfestation of premises he shall, if required by the owner, arrange for the carrying out

with all convenient speed of such disinfection or disinfestation by an officer of the appropriate health authority.

(3) Premises in respect of which an infected premises notice has been given to a district medical officer shall not be sold nor let nor used to give lodging to any person before either—

(a) seven days have expired after the receipt by the medical officer of the notice and the medical officer has not informed the owner that he requires any disinfection or disinfestation of the premises, or

(b) any disinfection or disinfestation required by the medical officer under subsection (1) of this section has been completed.

(4) A person who contravenes subsection (3) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Detention and isolation of person who is probable source of infection.

38.—(1) Where a chief medical officer is of opinion, either consequent on his own inspection of a person in the area for which such medical officer acts or consequent upon information furnished to him by a registered medical practitioner who has inspected such person, that such person is a probable source of infection with an infectious disease and that his isolation is necessary as a safeguard against the spread of infection, and that such person cannot be effectively isolated in his home, such medical officer may order in writing the detention and isolation of such person in a specified hospital or other place until such medical officer gives a certificate (for which no charge shall be made) that such person is no longer a probable source of infection.

(2) Where an order is made under this section in relation to a person (in this subsection referred to as the patient), the following provisions shall have effect:—

(a) the medical officer who made the order (in this subsection referred to as the committing officer) shall forthwith send a copy of the order to the Minister and to the health authority for which he acts,

(b) the committing officer, and also any other person, to whom the duty of acting under this section has been assigned by or with the consent of the Minister and who has been authorised in writing by the committing officer to act in the particular case, may detain the patient,

- (c) the person detaining the patient shall, on or before doing so—
- (i) produce for inspection by the appropriate person his written authorisation from the committing officer if he is not himself the committing officer, and
 - (ii) give to the appropriate person a copy of the order and a statement in writing of the right of appeal under paragraph (h) of this subsection,
- (d) if the patient, when detained, is outside the area for which the committing officer acts, the committing officer may, with the consent of the chief medical officer of the area in which the patient is detained, amend the order to allow for the patient's isolation in a hospital or other place convenient to the place where he is detained and the order as so amended shall have effect accordingly,
- (e) where the committing officer amends the order, he shall forthwith send a copy of the order as amended to the Minister and to the health authority for which he acts and to the health authority of the area in which the patient is detained and to the appropriate person,
- (f) after the patient is detained, he shall be taken to the hospital or other place specified in the order and shall, subject to the provisions of this subsection, be there detained and isolated until the committing officer certifies that he is no longer a probable source of infection,
- (g) the person in charge of such hospital or other place shall afford to the committing officer all reasonable facilities for visiting such hospital or other place and examining the patient therein,
- (h) the patient (or the parent of the patient, where the patient is a child) may at any time appeal to the Minister in writing to direct the release of the patient,
- (i) the person in charge of such hospital or other place shall afford all reasonable facilities for the purposes of any appeal under paragraph (h) of this subsection, including where appropriate facilities for the inspection of any reports and records relating to the patient and available in such hospital or other place and the provision of copies of any such reports or records,

- (j) on receipt of an appeal under paragraph (h) of this subsection, the Minister shall give notice in writing of the date on which such appeal was received by him to the person making the appeal and to the person in charge of such hospital or other place,
 - (k) if no determination of an appeal under paragraph (h) of this subsection is made by the Minister and communicated to the person in charge of such hospital or other place within twenty-one clear days from the receipt by the Minister of such appeal, such person shall release the patient and notify the committing officer of such release and if necessary arrange for conveyance of the patient to his usual place of residence,
 - (l) if at any time the Minister directs the release of the patient, he shall be released by the person in charge of such hospital or other place in accordance with the direction, and such person shall, if necessary, arrange for his conveyance to his usual place of residence,
 - (m) where an appeal is made under paragraph (h) of this subsection the Minister shall cause one of his medical officers to examine the patient and report the result of such examination,
 - (i) as soon as practicable after the appeal is received by the Minister, and
 - (ii) at intervals thereafter not exceeding six weeks during the detention,
 - (n) the person in charge of such hospital or other place shall provide all reasonable facilities for an examination under paragraph (m) of this subsection,
 - (o) force may, if necessary, be used for the purpose of carrying out any provision of this subsection.
- (3) In this section the expression "the appropriate person" means in relation to a patient—
- (a) where the patient appears to be under sixteen years of age and his parent can be ascertained and reached within a time which is reasonable having regard to all the circumstances of the case—his parent,
 - (b) where the patient appears to be under sixteen years of age and his parent cannot be ascertained and reached within a time which is reasonable having regard to all the circumstances of the case—the person for the time being in charge of the patient,

(c) where the patient, being an adult person, is for any reason unable to act for himself—the person for the time being in charge of the patient,

(d) in any other case—the patient himself.

(4) A person to whom an order under this section relates who—

(a) resists being detained under this section or resists being brought under this section to the hospital or other place specified in the order, or

(b) wilfully misbehaves while detained in such hospital or other place,

(c) escapes or attempts to escape from detention under this section, or

(d) does not submit himself in a peaceful and orderly manner to the exercise of any power conferred by this section,

shall be guilty of an offence under this section.

(5) A person who—

(a) prevents or attempts to prevent the detention under this section of any person or the bringing under this section of any person to a hospital or other place for detention and isolation, or

(b) assists in an escape or an attempted escape of any person from detention and isolation under this section, or

(c) obstructs or interferes with the exercise of any power conferred by this section,

shall be guilty of an offence under this section.

(6) A person who is guilty of an offence under this section shall, on summary conviction thereof, be liable to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(7) The cost of the maintenance and treatment of a person to whom an order under this section relates in the hospital or other place mentioned in the order (including the cost of anything done under paragraph (f), (k) or (l) of subsection (2) of this section) shall be paid by the health authority for which the medical officer who made the order acts.

Burial by health authority of body of person dying from infectious disease.

39.—Where a person suffering from an infectious disease dies in an institution and such person was admitted to or maintained in such institution by or on the application of or at the cost of a health authority, that authority may either—

- (a) arrange and pay for the removal of the body of such person to and the burial of such body in some burial ground near a place in the functional area of such health authority where such person was resident or lodging immediately before his admission to such institution; or
- (b) contribute to the cost of the removal of such body to some other burial ground a sum not greater than the amount which such authority would be permitted to expend under paragraph (a) of this section.

Accommodation for persons compelled to leave their homes.

40.—(1) A health authority may provide accommodation for persons who are compelled to leave their homes on account of any steps taken under this Act or the regulations made there under for the prevention of the spread of infectious disease.

(2) A health authority may provide heating, lighting, furniture, equipment and any other necessities and amenities for any accommodation provided by them under this section and may supply food, with or without a charge therefor, to any person using such accommodation.

Rehabilitation of persons suffering or recovering from infectious disease.

41.—(1) A health authority may make provision for the training and education of persons suffering or recovering from an infectious disease for employment suitable to their condition of health and for that purpose may provide and maintain such premises, workshops, farms, gardens, materials, equipment and similar facilities as are necessary.

(2) The Minister may by order direct a health authority as to the manner in which and the extent to which they are to exercise their powers under subsection (1) of this section and such health authority shall comply with such direction.

Nurses for infectious diseases.

42.—(1) A health authority may provide nurses for attendance on persons suffering from infectious disease.

(2) Where a person is attended by a nurse provided under this section, the health authority concerned may either:—

- (a) at their discretion but subject to any relevant regulations under [section 31](#) of this Act, make a charge for the attendance, or
- (b) make no charge therefor.

(3) A charge under subsection (2) of this section for the attendance of a nurse on any person may be recovered as a simple contract debt in any court of competent jurisdiction from—

- (a) such person or, in case such person has died, his legal personal representative, or

- (b) any other person liable to maintain such person for the purposes of the [Public Assistance Act, 1939](#) (No. 27 of 1939), by virtue of section 27 of that Act or, in case such other person has died, his legal personal representative.

Presumption in civil action as to cause of infection.

43.—Where—

- (a) circumstances have arisen in which a provision of this Part of this Act or of any regulations made thereunder requires a person to take a precaution against the infection of other persons with a particular infectious disease, and
- (b) such person has failed to take the precaution, and
- (c) any other person has been without his knowledge exposed by such failure to the risk of infection with the disease, and after such exposure has been infected with the disease,

in any action against the first-mentioned person by such other person for damages suffered by reason of his having been infected with the disease, the Court shall presume that such infection was the direct result of the failure to take the precaution unless the Court is satisfied (and the onus of so satisfying the Court shall lie on the defendant) that by reason of the time of such infection or for any other reason it was unlikely that such failure caused such infection.

Maintenance of person suffering from infectious disease, etc.

44.—(1) This section applies to a person who:—

- (a) is suffering from an infectious disease, and
- (b) is undergoing treatment therefor to the satisfaction of the chief medical officer of the health authority in whose functional area such person ordinarily resides, and
- (c) is thereby prevented from making reasonable and proper provision for his own maintenance or the maintenance of his dependants.

(2) This section also applies to a person:—

- (a) who is a probable source of infection with an infectious disease but is not thereby rendered incapable of carrying on his ordinary occupation, and
- (b) who, in pursuance of the written order of a chief medical officer, is compelled to take or, in pursuance of the written advice of a chief medical officer, takes a precaution, in relation to such infectious disease,

required by any provision of this Part of this Act or any regulations made thereunder, and

- (c) who, as a result of taking such precaution, is unable to make reasonable and proper provisions for his own maintenance or the maintenance of his dependants.

(3) The health authority in whose functional area a person to whom this section applies ordinarily resides shall on application being made to them make provision in respect of the maintenance of that person and his dependants by doing either or both of the following things:—

- (a) making a payment to or in respect of that person or his dependants,

- (b) defraying the cost, either wholly or partly, of the employment of another person to act as a substitute for him during his absence or while he is undergoing such treatment as is mentioned in subsection (1) of this section or taking such precaution as is mentioned in subsection (2) of this section (as the case may be).

(4) If any question arises whether a particular person is a person to whom this section applies or as to the amount of the provision to be made or as to the health authority to make the provision under subsection (3) of this section, the question shall be referred to the Minister whose decision shall be final.

(5) The Minister may, if he thinks fit, make regulations prescribing the rates of payments or the maximum or minimum rates of payments to be made under this section either generally or in respect of any class of persons and a health authority to whom any such regulations relate shall comply therewith in making any payment under this section.

(6) Nothing in this section shall require a health authority to provide for the maintenance of any person, who with a view to obtaining provision under subsection (3) of this section has wilfully exposed himself to infection or for the maintenance of the dependants of such person.

(7) An amount not exceeding one-half of the expenses certified by the Minister to have been properly incurred by a health authority under this section shall be paid to the health authority out of moneys provided by the Oireachtas.

(8) Every person who in connection with an application for provision for maintenance under this section makes any statement which is to his knowledge false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to

imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

Treatment of infectious diseases in particular institutions.

45.—(1) The Minister may by order prohibit either absolutely or subject to specified conditions the admission of persons suffering from a specified infectious disease to, and the treatment of such persons in, any institution in the area to which the order relates other than one or more than one specified institution which the Minister considers specially fitted for the giving of such treatment.

(2) An order under this section may relate to an area consisting of either the whole or part of the State.

(3) Where a person is admitted to or treated in an institution in contravention of an order under this section, the person carrying on the institution shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day on which the offence is continued.

(4) In this section, the word "institution" includes a department of an institution.

Chapter II.

Verminous persons and articles.

Precautions to be taken by verminous persons.

46.—(1) A person who knows that he is verminous shall, in addition to the precautions specifically provided for by or under this Act, take every reasonable precaution to prevent his infesting others with vermin.

(2) A person who has the care of another person and knows or has reasonable cause to believe that such other person is verminous shall, in addition to any precautions specifically provided for by or under this Act, take every other reasonable precaution to prevent such other person from infesting others with vermin.

(3) A person shall be deemed conclusively to have reason to believe that he or any other person is verminous if he is notified accordingly by a medical officer of health or a health inspector.

(4) A person who contravenes subsection (1) or (2) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Precautions to be taken in relation to verminous articles.

47.—(1) A person shall, in addition to taking any precautions specifically provided for by or under this Act, take every other reasonable precaution to prevent the use or exposure of any article under his control or under the control of a person in his care which he has reasonable cause to believe to be verminous

so as to expose other persons, or articles the property of other persons, to the risk of infestation with vermin.

(2) A person shall, in addition to taking any precautions prescribed in regulations made under [section 49](#) of this Act, take every other reasonable precaution to prevent anybody in his employment from using or exposing any article which such person has reasonable cause to believe to be verminous so as to expose other persons, or articles the property of other persons, to the risk of infestation with vermin.

(3) A person shall be deemed conclusively to have reason to believe that an article is verminous if he is notified accordingly by a medical officer of health or a health inspector.

(4) A person who contravenes subsection (1) or (2) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Prohibition of verminous child attending school.

48.—(1) Where a district medical officer becomes aware that a child residing in his district is verminous, he may serve in the prescribed manner, notice on the parent of the child prohibiting the attendance of the child at any school until such district medical officer gives a certificate (for which no charge shall be made) that the child is fit to attend school.

(2) Where a notice under subsection (1) of this section is served on a parent of a child and such parent sends the child to any school or permits the child to attend any school during the period between the service of the notice and the giving of the certificate referred to in the said subsection such parent shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

Regulations for preventing the spread of infestation.

49.—(1) The Minister may make regulations prescribing precautions to be taken by the proprietors of and the persons working in any class of establishment from which, in the opinion of the Minister, there is an especial danger of the spread of infestation of persons and articles.

(2) Regulations made under this section shall not include provision for the compulsory cleansing or disinfestation of persons.

(3) Regulations under this section may provide for their enforcement and execution by officers of the Minister and by health authorities and their officers and may also, with the consent of the Minister for Local Government, provide for their enforcement and execution by officers of sanitary authorities.

(4) A person who contravenes a regulation under this section or who wilfully obstructs the execution of a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding

ten pounds and, in the case of a continuing offence, to a further fine not exceeding one pound for each day on which the offence is continued.

Arrangements by health authorities for disinfestation of verminous persons, buildings, etc.

50.—(1) A health authority shall make arrangements for the disinfestation of—

- (a) a verminous adult person on his application;
- (b) a verminous child on the application of or with the consent of his parent;
- (c) a verminous building or structure in their functional area on the application of the occupier of such building or structure, or
- (d) a verminous vehicle, vessel, aircraft or article in their functional area on the application of the owner of such vehicle, vessel, aircraft or article or on the application of his agent.

(2) The disinfestation of females under this section shall be carried out only by a registered medical practitioner, or by a woman duly authorised by the chief medical officer of the health authority.

(3) Notwithstanding the provisions of [section 51](#) of this Act no charge shall be made for the disinfestation of a person or of his clothing under this section.

Chapter III.

Ancillary Provisions.

Facilities for exercise of powers and duties of health authorities under Part IV.

51.—(1) For the purpose of the execution of their powers and duties under this Part of this Act a health authority may provide and maintain premises, apparatus, materials or any other facilities or may make arrangements with any person for the provision of such facilities.

(2) The Minister may by order direct a health authority as to the manner in which and the extent to which they are to exercise their powers under subsection (1) of this section and such health authority shall comply with such direction.

(3) Where a person uses a facility provided under this section, the authority concerned may either—

- (a) at their discretion, but subject to the provisions of [section 50](#) of this Act and to any relevant regulation under [section 31](#) of this Act, make a charge for the use of the facility, or
- (b) make no charge therefor.

Prosecution of offences under Part IV.

52.—(1) An offence under this Part of this Act may be prosecuted by a health authority in whose functional area the offence is committed.

(2) Any proceedings for an offence under this Part of this Act may, notwithstanding any enactment limiting the time within which such proceedings may be brought, be brought either within the time as so limited or within three months from the date on which evidence sufficient in the opinion of the Minister to justify a prosecution for the offence comes to the knowledge of the health authority by which the offence may be prosecuted.

(3) For the purposes of subsection (2) of this section the Minister may certify the date at which the evidence mentioned in the said subsection came to the knowledge of a health authority, and such certificate shall be conclusive evidence of the said date.

PART V.

Food and Drink.

Definition for Part V.

53.—In this Part of this Act, the word “food” includes every article used for food or drink by man, other than drugs or water, and

- (a) any article which ordinarily enters into or is used in the composition or preparation of human food,
- (b) flavouring matters, preservatives and condiments,
- (c) colouring matters intended for use in food, and
- (d) compounds or mixtures of two or more foods.

Regulations for prevention of danger from food and drink.

54.—(1) The Minister may, after consultation with the Minister for Industry and Commerce and the Minister for Agriculture, make regulations providing for—

- (a) the prevention of danger to the public health arising from the manufacture, preparation, importation, storage, distribution or exposure for sale of food intended for sale for human consumption,
- (b) the prevention of contamination of food intended for sale for human consumption,
- (c) the prohibition and prevention of the sale or offering or keeping for sale of
 - (i) articles of food intended for human consumption,
 - (ii) living animals intended for such food,
 - (iii) materials or articles used or intended for use in the preparation or manufacture of such food,which are diseased, contaminated or otherwise unfit for human consumption.

(2) A person who contravenes a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued, or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine or fines and such imprisonment.

Licensing and registration of persons and premises.

55.—Regulations under this Part of this Act may provide for the licensing or registration of persons engaged in the manufacture, preparation, importation, storage, distribution or sale of food for human consumption or of premises in which food is manufactured, prepared, stored, distributed or exposed for sale for human consumption and for the description of premises so licensed or registered and the prohibition of the manufacture, preparation, importation, storage, exposure for sale or sale of food otherwise than by licensed or registered persons or on licensed or registered premises (as the case may be).

Standards for food and drink.

56.—(1) Where the Minister is of opinion that the composition of any food (whether consumed by itself or as an ingredient of other food) is of special importance to the public health, he may, after consultation with the Minister for Industry and Commerce and the Minister for Agriculture and after giving the notice mentioned in subsection (2) of this section, make regulations prescribing a standard for the composition of such food.

(2) Not less than one month before the Minister makes regulations under this section he shall cause notice to be published in a daily newspaper or in two or more daily newspapers of his intention to make regulations specifying the food for the composition of which a standard will thereby be prescribed.

(3) Regulations under this section may contain—

- (a) provisions in relation to the nature, quality or amount of any substance to be contained in the food to which the regulations relate,
- (b) provisions specifying any substance which is not to be contained in such food,
- (c) provisions limiting the amount of any substance to be contained in such food,
- (d) provisions in relation to the methods used or the time taken in the manufacture, preparation or distribution of such food,

(e) provisions in relation to the labelling or description of such food.

(4) Where—

(a) a person sells for human consumption, or prepares, manufactures, offers or keeps for sale for human consumption, any food for the composition of which a standard is prescribed by regulations under this section, and

(b) the food does not conform to such standard,

such person shall be guilty of an offence under this section.

(5) Where—

(a) a person sells for human consumption, or prepares, manufactures, offers or keeps for sale for human consumption, any food containing an ingredient for the composition of which a standard is prescribed by regulations under this section, and

(b) the ingredient does not conform to such standard,

such person shall be guilty of an offence under this section.

(6) Where—

(a) a person sells for human consumption, or offers or keeps for sale for human consumption, any food for the composition of which a standard is prescribed by regulations under this section and such regulations contain provisions in relation to the labelling or description of such food, and

(b) such food, or the packet or container in which such food is sold or offered or kept for sale is not labelled or described in accordance with the regulations,

such person shall be guilty of an offence under this section.

(7) Whenever—

(a) food, for the composition of which a standard has been prescribed by regulations under this section, has been advertised under a particular brand or trade description, and

(b) the Minister has caused samples of the food sold under that brand or trade description to be tested, and

(c) on such test any such sample has been found not to conform to the said standard,

the Minister may by order prohibit the import or sale of all food of that brand or trade description.

(8) A person who imports or sells for human consumption food of a brand or trade description to which a prohibition

under subsection (7) of this section relates shall be guilty of an offence under this section.

(9) A person who is guilty of an offence under this section shall, on summary conviction thereof, be liable to a fine—

- (a) in the case of a first offence, not exceeding twenty pounds, and
- (b) in the case of a second or subsequent offence, not exceeding one hundred pounds,

or, at the discretion of the Court and provided that the Court is satisfied that the offence was committed by the personal act or culpable negligence of such person, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(10) Notwithstanding anything contained in this section, regulations thereunder shall not, save with the consent of the Minister for Agriculture, be so framed as to apply in relation to any food in respect of which that Minister is empowered by any statutory or other enactment to prescribe standards for the composition thereof.

Examination of samples of food and drink.

57.—(1) In this section, the word “proprietor” means, in relation to any food, a person by whom such food is manufactured, prepared or imported.

(2) The Minister may, after consultation with the Minister for Industry and Commerce and the Minister for Agriculture, make, in relation to any food, regulations containing all or any of the following provisions:

- (a) provisions requiring the submission to the Minister by every proprietor of the food of samples of the food for examination of their nature, substance, quality or condition,
- (b) provisions authorising the issue by the Minister, to any proprietor by whom any such samples are so submitted for examination, of a certificate stating the result of the examination,
- (c) provisions requiring the printing on the outside of every packet or container in which the food is to be sold for human consumption or on a label affixed in the prescribed manner to such packet or container of the name of the proprietor and a copy of the relevant certificate issued to him under a regulation made pursuant to paragraph (b) of this subsection,
- (d) provisions prohibiting the sale for human consumption, or the offering or keeping for sale for human consumption, of the food in a packet or container which has not printed on the outside thereof or on a

label affixed thereto as the regulations may provide the name of the proprietor and a copy of the relevant certificate issued to him under a regulation made pursuant to paragraph (b) of this subsection,

- (e) provisions prohibiting the sale for human consumption, or the offering or keeping for sale for human consumption, of any article of the food which is of a nature, substance or quality, or in a condition, inferior to the nature, substance, quality or condition (as the case may be) of the samples of the food submitted for examination by the proprietor of such article as stated in the relevant certificate issued to him under a regulation made pursuant to paragraph (b) of this subsection.

(3) A person who contravenes a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine or fines and such imprisonment.

(4) Notwithstanding anything contained in this section, regulations thereunder shall not, save with the consent of the Minister for Agriculture, be so framed as to apply in relation to any food in respect of which that Minister is empowered by any statutory or other enactment to prescribe standards for the composition thereof.

Giving and taking of samples, etc.

58.—(1) Regulations under this Part of this Act may—

- (a) provide for the giving and the taking (without payment) of samples of food or materials or articles used or intended for use in the preparation or manufacture of food or of articles which are bye-products of the manufacture of food,
- (b) provide for the carrying out of tests, examinations and analyses of such samples,
- (c) prescribe the classes of persons to be responsible for the carrying out of such tests, examinations and analyses of such samples,
- (d) prescribe the means by and the manner in which the test, examination or analysis is to be made,
- (e) prescribe the certificate or other evidence to be given of the result of any test, examination or analysis and

the classes of persons by and to whom such certificate or evidence is to be given,

- (f) provide that any certificate or other evidence prescribed under paragraph (e) of this subsection and given in respect of the test, examination or analysis of a sample shall as respects that sample be evidence for all purposes of the result of such test.

(2) Whenever regulations made under subsection (1) of this section provide that any particular certificate or other evidence shall be evidence for all purposes of the result of a test, examination or analysis of a sample, such certificate or other evidence shall, as respects those samples, be accepted by all Courts of Justice as evidence of the result of such test and shall also be accepted by all Courts of Justice as evidence that such test was carried out under and in accordance with the regulations.

Enforcement of regulations under Part V, etc.

59.—Regulations under this Part of this Act may provide for all or any of the following matters—

- (a) the enforcement and execution of the regulations by
 - (i) officers of the Minister,
 - (ii) health authorities,
 - (iii) officers of local authorities with the consent, where the Minister is not the appropriate Minister for the purposes of [Part II](#) of the [Local Government Act, 1941](#) (No. 23 of 1941), in relation to a particular office, of the appropriate Minister for the said purposes in relation to a particular office,
 - (iv) officers of Customs and Excise with the consent of the Minister for Finance,
 - (v) officers of the Minister for Agriculture with the consent of that Minister,
- (b) the empowering of specified persons or persons of a specified class (being authorised officers for the purposes of [Part IX](#) of this Act or members of the Garda Síochána exercising the powers conferred by [Part IX](#) of this Act) to seize and remove and to detain, to destroy or to have otherwise suitably disposed of—
 - (i) articles of food intended for human consumption,
 - (ii) living animals intended for such food, or

(iii) materials or articles used or intended for use in the preparation or manufacture of such food, which are diseased, contaminated or otherwise unfit for human consumption or which do not comply with the regulations,

(c) the keeping of records by persons engaged in the manufacture, preparation, importation, storage, distribution or sale of food and the production of such records for inspection by officers concerned in the enforcement or execution of the regulations.

Charges under regulations under Part V. **60.**—Regulations under this Part of this Act may authorise the imposition of charges for the purposes of the regulations, or for examinations, certifications or other services performed thereunder.

Obstruction of execution of regulations under Part V. **61.**—A person who wilfully obstructs the execution of a regulation under this Part of this Act shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine or fines and such imprisonment.

Restrictions on sale, etc., of food by dealers in rags, etc. **62.**—(1) It shall not be lawful for any person, who carries on the business of dealing in rags, bones, waste paper, secondhand clothes or other similar articles, to sell, barter or offer or keep for sale or barter any food in or from any premises, place or vehicle used by him in connection with his said business.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding five pounds or, in the case of a second or subsequent offence, to a fine not exceeding twenty pounds.

Prosecutions for offences under Part V. **63.**—(1) The following provisions shall have effect in relation to a prosecution for an offence under this Part of this Act:—

(a) any food shall be deemed, unless the contrary is proved, to have been sold or bartered or to be intended for sale or barter (as may be appropriate) for human consumption,

(b) any material or article which is found on premises used for or in the preparation or manufacture of food to be sold for human consumption and which is capable of being intended for use in such

preparation or manufacture shall be deemed, unless the contrary is proved, to be so intended,

(c) where—

- (i) a person has caused an analysis of any food to be made under the [Sale of Food and Drugs Act, 1875](#), and
- (ii) the analyst, having analysed such food, has given his certificate of the result of the analysis, and
- (iii) it appears from the certificate that a regulation under this Part of this Act has been contravened,

such person may prosecute for the contravention and, the provisions of the Sale of Food and Drugs Acts, 1875 to 1936, relating to prosecutions shall apply as if such prosecution were a prosecution under the said Acts,

(d) if the defendant in any prosecution for an offence relating to the nature, substance, quality or condition of any food proves—

- (i) that he purchased such food as of a nature, substance or quality or in a condition which would not have contravened such regulation and with a written warranty to that effect, and
- (ii) that he had no reason to believe at the time when he sold such food that it was of a different nature or quality or in a different condition, and
- (iii) that he sold such food in the same state as when he purchased it,

such defendant shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he gave due notice to the prosecutor that he proposed to rely on the said defence.

(2) A statement by the manufacturer, importer, or seller of food as to its nature, substance, quality or condition in an invoice, or on a label attached to the food, or on the packet or container in which the food is sold shall be deemed for the purposes of subparagraph (i) of paragraph (d) of subsection (1) of this section to be a warranty.

(3) Where it appears to the authority or officer enforcing any provision of this Part of this Act or the regulations made thereunder that an offence has been committed in respect of which proceedings might be taken against some person but that such person could establish a defence under paragraph (d) of subsection (1) of this section by proving that the offence

complained of was due to an act or default of some other person, such authority or officer may take proceedings against that other person without taking proceedings against the first-mentioned person.

Food kept in certain establishments.

64.—(1) The Minister may by regulations specify the class or classes of establishments to which this section applies.

(2) For the purpose of this Part of this Act and of any regulations made thereunder—

- (a) food kept for human consumption in an establishment of a class to which this section applies shall be deemed, unless the contrary is proved, to be kept therein for sale for human consumption,
- (b) where any such food is consumed in any such establishment by any person, it shall be deemed unless the contrary is proved to have been sold for human consumption,
- (c) any material or article which is found in any such establishment used for or in the preparation or manufacture of food for human consumption and which is capable of being intended for use in such preparation or manufacture shall be deemed, unless the contrary is proved, to be so intended,
- (d) in any prosecution for an offence under this Part of this Act in relation to any such food, the food shall be deemed, unless the contrary is proved, to have been kept for human consumption in such establishment.

(3) In this section the word “establishment” means

- (a) any school or college,
- (b) any hospital, sanatorium, preventorium, nursing home, convalescent home or similar establishment,
- (c) any hotel, restaurant, club, guest house, boarding house, holiday camp, hostel or similar establishment.

PART VI.

Provisions in Relation to Medical and Toilet Preparations and Certain Other Articles.

Control of advertisement or sale of medical and toilet preparations.

65.—(1) In this section—

the word “substance” includes a preparation;

the expression “proprietary designation” means a designation of a substance manufactured, selected or distributed by a particular person which is used in order to distinguish the

substance from substances manufactured, selected or distributed by other persons;

the expression "medical preparation" means—

- (a) a substance which is sold under a proprietary designation and which may be used for the prevention or treatment of any human ailment, infirmity, injury or defect, or
- (b) any other prophylactic, diagnostic or therapeutic substance which may be used for the prevention or treatment of any human ailment, infirmity, injury or defect;

the expression "toilet preparation" means a substance which is sold under a proprietary designation to be applied for toilet or cosmetic purposes to the human body or any part thereof.

(2) The Minister may make regulations for the control of the advertisement or sale of medical preparations or toilet preparations generally or of any specified class of such preparations or of any particular medical preparation or toilet preparation.

(3) Regulations under this section may, in particular, make provision for all or any of the following matters:—

- (a) the prohibition of the manufacture, preparation, importation, distribution, sale or offering or keeping for sale of the preparation or preparations to which the regulations relate either absolutely or subject to specified conditions (including the grant of a licence for the manufacture, preparation, importation, distribution or sale of such preparation or preparations);
- (b) the prohibition of the advertisement of the preparation or preparations to which the regulations relate either absolutely or subject to specified conditions (including the grant of a licence for the advertisement of such preparation or preparations) and the prohibition of the sale or offering or keeping for sale of any such preparation which is advertised in contravention of such regulations;
- (c) the requiring of the printing on the outside of packets or containers in which preparations are to be sold of the compositions of such preparations and the prohibition of the sale of any preparation in a packet or container which has not printed on the outside thereof the composition of the preparation;
- (d) the determination of the classes of persons to whom licences under the regulations are to be granted;

- (e) the prescribing of conditions governing the grant, retention or renewal of licences under the regulations;
- (f) the requiring of applicants for or holders of licences under the regulations to furnish specified information in regard to the constitution, manufacture, importation, storage, distribution, sale or advertisement of the preparations to which their applications or licences relate;
- (g) the refusal or revocation of licences under the regulations;
- (h) the giving and the taking (without payment) of samples of medical preparations or toilet preparations;
- (i) the imposition of charges (whether fixed, variable or partly fixed and partly variable) in respect of the grant, retention or renewal of licences under the regulations.

(4) A person who contravenes a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five hundred pounds.

(5) An offence under this section may be prosecuted by the Minister.

Restriction on importation, manufacture or sale of certain articles.

66.—(1) The Minister may by order provide that—

- (a) any instrument, appliance or apparatus of a class as respects which he is of opinion that the use by the general public of instruments, appliances or apparatuses of that class involves risk of serious injury to health or body, or
- (b) a substance as respects which he is of opinion that it is likely, when accessible to the general public, to be used for purposes involving risk of serious injury to health or body,

shall be a restricted article for the purposes of this section.

(2) In the subsequent subsections of this section, the expression “restricted article” means an article declared by an order under this section to be a restricted article for the purposes of this section.

(3) The Minister may grant to a registered medical practitioner a permit for the importation, manufacture, sale or other disposal of a restricted article and may attach to the permit such conditions (if any) as he thinks proper.

(4) Save so far as may be authorised by a permit under subsection (3) of this section, it shall not be lawful for a person to import, manufacture, sell or otherwise dispose of, or offer or keep for sale or other disposal, a restricted article.

(5) It shall not be lawful for a person to advertise a restricted article.

(6) A person who contravenes subsection (4) or (5) of this section or who, having been granted and having availed of a permit under subsection (3) of this section, does not comply with a condition attached to the permit, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment and, in every case, to forfeiture of the restricted article in relation to which the offence was committed.

(7) Any article forfeited under subsection (6) of this section shall be disposed of in such manner as the Minister may direct.

(8) Where, on an inspection under [section 94](#) of this Act of any premises, any restricted article is found in relation to which the person making the inspection has reasonable grounds for believing that an offence under this section has been committed, such person may seize, remove and detain the article.

(9) An offence under this section may be prosecuted by the Minister.

Regulations as to flock.

67.—(1) The Minister may make regulations—

- (a) prescribing standards of cleanliness for flock either generally or as respects a particular type of flock,
- (b) prohibiting the sale or keeping for sale, or use or keeping for use for the purpose of making bedding, cushions, articles of upholstery and similar articles of flock which does not conform with the prescribed standards.

(2) Regulations under this section—

- (a) may provide for the enforcement and execution of the regulations by officers of the Minister, by health authorities and their officers and, with the consent of the Minister for Local Government, by officers of sanitary authorities,
- (b) may provide for the empowering of specified persons (being authorised officers for the purpose of [Part IX](#) of this Act) to seize and remove, and to detain and destroy or have otherwise suitably disposed of flock

which does not conform with the prescribed standards,

- (c) may provide for the giving and taking (without payment) of samples of flock and the carrying out of tests, examinations and analyses of such samples,
- (d) may prescribe the classes of persons to be responsible for the carrying out of tests, examinations and analyses of samples of flock and the means by and the manner in which such test, examination or analysis is to be made,
- (e) may prescribe the certificate or other evidence to be given of the result of any test, examination or analysis and the classes of persons by and to whom such certificate or evidence is to be given,
- (f) may provide that any certificate or other evidence prescribed under paragraph (e) of this subsection and given in respect of the test, examination or analysis of a sample shall as respects that sample be evidence for all purposes of the result of such test,
- (g) may provide for the registration of premises in which flock is kept for sale or for use for the purpose of making bedding, cushions, articles of upholstery and similar articles.

(3) Wherever regulations made under subsection (1) of this section provide that any particular certificate or other evidence shall be evidence for all purposes of the result of a test, examination or analysis of a sample, such certificate or other evidence shall, as respects those samples, be accepted by all Courts of Justice as evidence of the result of such test and shall also be accepted by all Courts of Justice as evidence that such test was carried out under and in accordance with the regulations.

(4) Where a person is charged with having flock in his possession in contravention of regulations made under this section, any flock found in his possession shall, until the contrary is proved, be deemed to be intended for sale or for use in the manufacture of bedding, cushions, articles of upholstery or similar articles.

(5) If the defendant in any prosecution for an offence under this section proves—

- (a) that he purchased the flock as of a standard of cleanliness which would not have contravened any regulation under this section and with a written warranty to that effect, and

(b) that he had no reason to believe at the time when he committed the offence with which he is charged that the flock did not conform with the prescribed standard of cleanliness, and

(c) that at the said time, the flock was in the same state as when he purchased it,

such defendant shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he gave due notice to the said prosecutor that he proposed to rely on the said defence.

(6) A statement by the manufacturer, importer or seller of flock as to its standard of cleanliness, in an invoice or on a label attached to the flock or on the container in which the flock is sold shall be deemed for the purposes of paragraph (a) of subsection (5) of this section to be a warranty.

(7) Where it appears to the authority or officer enforcing regulations made under this section that an offence has been committed in respect of which proceedings might be taken under this section against some person but that such person could establish a defence under subsection (5) of this section by proving that the offence complained of was due to an act or default of some other person, such authority or officer may take proceedings against that other person without taking proceedings against the first-mentioned person.

(8) A person who contravenes a regulation under this section or who wilfully obstructs the execution of a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

(9) In this section, the word "flock" includes—

(a) rag flock which is produced wholly or in part by tearing up woven or knitted or felted material or other like articles whether new or old, and

(b) hair, fibre, down, feathers, and other similar materials, whether new or old, used for making bedding, cushions, articles of upholstery or similar articles.

PART VII.

Officers of Health Authorities.

Definitions for Part VII.

68.—In this Part of this Act—the expression "the Act of 1926" means the Local Authorities (Officers and Employees) Act, 1926; the expression "the Act of 1941" means the [Local Government Act, 1941](#) (No. 23 of 1941).

County medical officers.

69.—(1) In every county there shall be a county medical officer to advise the health authority generally in relation to the health of the people and to perform such other duties as may be assigned to him in relation to the functions of the health authority or the functions of any sanitary authority in the county.

(2) The office of the county medical officer for a county shall be an office under the council of the county and the salary and expenses of the office shall be paid by the said council, but the provisions of paragraph (b) of subsection (1) of section 10, and of section 20 of the Act of 1941 relating to the duties of officers and of subsection (2) of the said section 10 relating to appeals by officers shall apply in relation to the said office as if it were also an office under the sanitary authority of every sanitary district in the county.

(3) The county medical officer for a county shall be the chief medical officer for the county for the purposes of this Act.

(4) The county medical officer for a county shall be known as the _____ County Medical Officer (with the name of the county prefixed).

(5) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held, in a permanent capacity, the office of county medical officer of health under [section 21](#) (repealed by this Act) of the [Local Government Act, 1925](#) (No. 5 of 1925)—

(a) such person shall, upon the commencement of this section, become and be the county medical officer under this section for the county in which he performed his duties as such county medical officer of health;

(b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(6) A reference in any enactment in force at the commencement of this section to the office of county medical officer of health or the holder thereof shall be construed as a reference to the office established by this section or the holder thereof (as the case may be).

(7) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to an office of county medical officer of health, such selection shall be completed in such manner as the said Commissioners think proper, and the person or one of the persons so selected and recommended by the said Commissioners for appointment shall be appointed by the council of the county to be county medical officer as if the said

selection and recommendation were made on a request, made by the council of the county after the commencement of this section under section 6 of the Act of 1926.

Assistant county medical officers.

70.—(1) The council of a county may, with the consent of the Minister, and shall, if the Minister by order so directs, appoint one or more than one assistant county medical officer to assist the county medical officer in the performance of his duties.

(2) The office of assistant county medical officer for a county shall be an office under the council of the county and the salary and expenses of the office shall be paid by the said council but the provisions of paragraph (b) of subsection (1) of section 10 and of section 20 of the Act of 1941 relating to the duties of officers and of subsection (2) of the said section 10 relating to appeals by officers shall apply in relation to the said office as if it were also an office under the sanitary authority of every sanitary district in the county.

(3) Where the making of any order, the giving of any approval or sanction or the doing of any other act by the county medical officer for a county is required for the purposes of any enactment (including this Act) and has been assigned to an assistant county medical officer for the county, such order, approval, sanction or act when made, given or done by the assistant county medical officer shall be as valid for all purposes as if it had been made, given or done by the county medical officer.

(4) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held, in a permanent capacity, an office in a county under the title of assistant county medical officer or assistant county medical officer of health—

(a) such person shall, upon the commencement of this section, become and be an assistant county medical officer for such county under an order deemed to have been made under this section,

(b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(5) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to an office in a county under the title of assistant county medical officer or assistant county medical officer of health, such selection shall be completed in such manner as the said Commissioners shall think proper, and the person or one of the persons so selected and recommended by the said Commissioners for appointment shall be appointed by the

council of such county to be an assistant county medical officer for such county as if the said selection and recommendation were made on a request by such council after the commencement of this section under section 6 of the Act of 1926.

City medical officers.

71.—(1) In every county borough there shall be a city medical officer to advise the health authority generally in relation to the health of the people and to perform such other duties as may be assigned to him in relation to the functions of the corporation of the county borough.

(2) The office of the city medical officer for a county borough shall be an office under the corporation of the county borough.

(3) The city medical officer for a county borough shall be the chief medical officer for the county borough for the purposes of this Act.

(4) The city medical officer for a county borough shall be known as the _____ City Medical Officer (with the name of the county borough prefixed).

(5) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held, in a permanent capacity, the office of medical superintendent officer of health for a county borough under [section 11](#) (repealed by this Act) of the [Public Health \(Ireland\) Act, 1878](#) —

(a) such person shall, upon the commencement of this section, become and be the city medical officer for such county borough under this section,

(b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(6) A reference in any enactment in force at the commencement of this section to the office of medical superintendent officer of, health for a county borough or the holder thereof shall be construed as a reference to the office of city medical officer established by this section or the holder thereof (as the case may be).

(7) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to an office of medical superintendent officer of health for a county borough, such selection shall be completed in such manner as the said Commissioners shall think proper, and the person or one of the persons so selected and recommended by the said Commissioners for appointment shall be appointed by the corporation of such county borough to be city medical officer for such county borough as if the said

selection and recommendation were made on a request made by such corporation after the commencement of this section under section 6 of the Act of 1926.

Assistant city medical officers.

72.—(1) The corporation of a county borough may, with the consent of the Minister, and shall, if the Minister by order so directs, appoint one or more than one assistant city medical officer to assist the city medical officer in the performance of his duties.

(2) The office of assistant city medical officer for a county borough shall be an office under the corporation of the county borough.

(3) Where the making of any order, the giving of any approval or sanction or the doing of any other act by the city medical officer for a county borough is required for the purposes of any enactment (including this Act) and has been assigned to an assistant city medical officer for the county borough, such order, approval, sanction or act when made, given or done by the assistant city medical officer shall be as valid for all purposes as if it had been made, given or done by the city medical officer.

(4) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held, in a permanent capacity, an office in a county borough under the title of assistant medical officer of health—

(a) such person shall, upon the commencement of this section, become and be an assistant city medical officer for such county borough under an order deemed to have been made under this section,

(b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(5) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to an office of assistant medical officer of health in a county borough such selection shall be completed in such manner as the said Commissioners shall think proper, and the person or one of the persons so selected and recommended by the said Commissioners for appointment shall be appointed by the corporation of such county borough to be an assistant city medical officer for such county borough as if the said selection and recommendation were made on a request made by such corporation after the commencement of this section under section 6 of the Act of 1926.

District medical officers of health.

73.—(1) A medical officer of a dispensary district under the [Public Assistance Act, 1939](#) (No. 27 of 1939), shall be the medical officer of health for the district consisting of such

dispensary district or the portion thereof of which he is in charge.

(2) The office of a district medical officer shall be an office under the health authority for his district, but—

(a) where the district of a district medical officer consists of a part in a county and a part in a county borough, such district medical officer shall, as respects the part in the county, be an officer of the council of the county and, as respects the part in the county borough, be an officer of the corporation of the county borough,

(b) where the whole or any part of the district of a district medical officer is situated in an urban district, the office of such officer shall, as respects assignment of duties relating to the functions of the urban sanitary authority for such urban district, be deemed for the purposes of sections 10 and 20 of the Act of 1941 to be an office under the urban sanitary authority for the urban district.

(3) The remuneration of a district medical officer shall be paid—

(a) where there is one health authority only for his district, by that authority, and

(b) where there are two health authorities for his district, by those authorities, in such proportions as the Minister directs.

(4) The expenses of a district medical officer shall be paid—

(a) where there is one health authority only for his district, by that authority, and

(b) where there are two health authorities for his district, by the health authority for the portion of his district, in respect of which the expenses were incurred.

(5) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to the office of medical officer of a dispensary district, such selection shall be completed in such manner as the said Commissioners shall think proper, and the person or one of the persons so selected and recommended by the Commissioners shall be appointed as medical officer of the said dispensary district and the provisions of subsections (1), (2), (3) and (4) of this section shall apply in relation to such medical officer as if he had been so appointed before the commencement of this section.

(6) A reference in any enactment in force at the commencement of this section to the office of medical officer of health of a dispensary district or the holder thereof shall be construed as a reference to the office established by this section or the holder thereof (as the case may be).

Bacteriologists.

74.—(1) A health authority may with the consent of the Minister and shall, if the Minister by order so directs, appoint a bacteriologist to perform such duties as may be assigned to him in relation to the functions of such health authority and the functions of any sanitary authority in the functional area of such health authority.

(2) The office of bacteriologist shall be an office under the health authority and the remuneration and expenses of the office shall be paid by the said authority but the provisions of paragraph (b) of subsection (1) of section 10 and of section 20 of the Act of 1941 relating to the duties of officers and of subsection (2) of the said section 10 relating to appeals by officers shall apply in relation to the said office as if it were also an office under the sanitary authority of every sanitary district in the functional area of the health authority.

(3) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held, in a permanent capacity, an office of bacteriologist under a sanitary authority—

(a) such person shall, upon the commencement of this section, become and be a bacteriologist for the health authority in whose functional area the sanitary authority is situated under an order deemed to have been made under this section,

(b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

Health inspectors.

75.—(1) A health authority may, with the consent of the Minister and shall if the Minister by order so directs, appoint one or more than one health inspector to perform such duties as may be assigned to him in relation to the functions of such health authority and the functions of any sanitary authority in the functional area of such health authority.

(2) The office of health inspector shall be an office under the health authority and the remuneration and expenses of the office shall be paid by the said authority but the provisions of paragraph (b) of subsection (1) of section 10, and of section 20 of the Act of 1941 relating to the duties of officers and of subsection (2) of the said section 10 relating to appeals by officers shall apply in relation to the said office as if it were also

an office under the sanitary authority of every sanitary district in the functional area of such health authority.

(3) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held, in a permanent capacity, an office under the title of sanitary inspector under a sanitary authority—

(a) such person shall, upon the commencement of this section, become and be a health inspector for the health authority in whose functional area the district of the sanitary authority is situated under an order deemed to have been made under this section,

(b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(4) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to an office of sanitary inspector under a sanitary authority, such selection shall be completed in such manner as the said Commissioners think proper, and the person or one of the persons so selected and recommended by the said Commissioners for appointment shall be appointed by the health authority in whose functional area the district of such sanitary authority is situated to be a health inspector of such health authority as if the said selection and recommendation were made on a request made by such health authority after the commencement of this section under section 6 of the Act of 1926.

Provisions relating to holders of certain offices under sanitary authorities.

76.—(1) Where an enactment repealed by this Act (in this section called “the repealed enactment”) conferred powers and duties on a sanitary authority and corresponding powers and duties are conferred by this Act on a health authority, the following provisions shall have effect:—

(a) every person who, immediately before the repeal of the repealed enactment, is the holder in a permanent capacity of an office under a sanitary authority the duties of which relate solely to the powers and duties conferred on such sanitary authority by such repealed enactment, shall become and be the holder of the same office under the health authority in whose functional area the district of such sanitary authority is situated,

(b) the said office under a sanitary authority shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished,

(c) if any question arises as to whether the duties of a particular office under a sanitary authority relate solely to powers and duties conferred on such sanitary authority by the repealed enactment, such question shall be referred to the Minister whose decision shall be final.

(2) The following provisions shall apply in relation to every person who, immediately before the commencement of this section, held, in a permanent capacity, an office under the title of sanitary sub-officer under a sanitary authority:—

(a) such person shall become and be the holder of an office under the same title under the health authority whose functional area includes the functional area of the sanitary authority,

(b) the said office under the sanitary authority shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished,

(c) the holder of the office of sanitary sub-officer under a health authority shall (in addition to performing duties in relation to the functions of the health authority) perform such duties as may be assigned to him in relation to the functions of any sanitary authority in the functional area of such health authority and for that purpose the provisions of paragraph (b) of subsection (1) of section 10, and of section 20 of the Act of 1941 relating to the duties of officers and of subsection (2) of the said section 10 relating to appeals by officers shall apply in relation to the said office as if it were also an office under the sanitary authority of every sanitary district in the functional area of such health authority.

PART VIII.

Acquisition and Disposal of Land by Health Authorities.

Definitions for purposes of Part VIII. **77.**—In this Part of this Act—

the word “land” includes water and any estate or interest in land or water and any easement or right in, to, or over land or water;

the expression “compulsory acquisition order” means an order under this Part of this Act for the acquisition compulsorily of land.

Powers of health authority to acquire land.

78.—(1) A health authority may, for the purposes of their powers and duties under this Act, acquire land either by agreement with the consent of the Minister or compulsorily under this Part of this Act and the Acts incorporated therewith.

(2) Nothing in subsection (1) of this section shall be construed as affecting the operation of [section 130](#) of the [Transport Act, 1944](#) (No. 21 of 1944).

Incorporation of Lands
Clauses Acts.

79.—For the purpose of the acquisition of land under this Part of this Act by a health authority, the Lands Clauses Acts as amended by the Second Schedule to the Housing of the Working Classes Act, 1890, shall be and are hereby incorporated with this Part of this Act, but with and subject to the following modifications, that is to say—

(a) the provisions relating to the sale of superfluous land and access to the special Act, and [section 133](#) (which relates to land tax and poor's rate) of the [Lands Clauses Consolidation Act, 1845](#), shall not be so incorporated;

(b) in the construction of the Lands Clauses Acts when so incorporated, this Act and the relevant compulsory acquisition order (if any) shall be deemed to be the special Act and the health authority shall be deemed to be the promoters of the undertaking;

(c) in the construction of the Second Schedule to the Housing of the Working Classes Act, 1890, when so incorporated—

the expression “local authority” shall mean a health authority;

the expression “confirming Act” shall mean this Part of this Act and the compulsory acquisition order as made and confirmed under this Part of this Act;

the expression “confirming authority” shall mean the Minister; and

references to the Housing of the Working Classes Act, 1890, or to Part I thereof shall be construed as references to this Act;

(d) the arbitrator when assessing compensation shall not take into account any building erected or any improvement or alteration made or any interest in land created after the date on which notice of the making of the compulsory acquisition order was published in pursuance of this Part of this Act if, in the opinion of the arbitrator, the erection of the building or the making of the improvement or alteration or the creation of the interest was not reasonably necessary and was effected with a view to obtaining or increasing the compensation.

Power of health authority
to inspect land.

80.—(1) An officer or agent of a health authority who is duly authorised in that behalf by the authority may, subject to the

provisions of this section, enter on any land at all reasonable times between the hours of 9 a.m. and 6 p.m. for the purpose of ascertaining whether the land is or is not suitable for acquisition by the authority.

(2) A person entering on land under this section may do thereon all things reasonably necessary for the purpose for which the entry is made and, in particular, may survey, make plans, take levels, make excavations, and examine the depth and nature of the subsoil.

(3) Before a person enters under this section on any land the health authority on whose authority the entry is proposed to be made shall either obtain the consent (in the case of occupied land) of the occupier or (in the case of unoccupied land) the owner or shall give to the owner or occupier (as the case may be) not less than fourteen days' notice in writing of the intention to make the entry.

(4) A person to whom a notice of intention to enter on land has been given under this section by a health authority may, not later than fourteen days after the giving of such notice, apply, on notice to such health authority, to the justice of the District Court having jurisdiction in the district in which the land is situate for an order prohibiting the entry, and, upon the hearing of the application, the justice may, if he so thinks proper, either wholly prohibit the entry or specify conditions to be observed by the person making the entry.

(5) Where a justice in the District Court prohibits under this section a proposed entry on land, it shall not be lawful for any person to enter under this section on the land, and where a justice of the District Court specifies under this section conditions to be observed by persons entering on land, every person who enters under this section on the land shall observe the conditions so specified.

(6) A person who suffers damage by anything done under this section on any land and, within one month after such thing is done, makes to the health authority on whose authority the land was entered under this section a claim for compensation in respect of the damage shall be entitled to be paid by the authority reasonable compensation for the damage and, in default of being paid such compensation when the amount thereof has been agreed upon or has been determined under this section, to recover it from the authority in any court of competent jurisdiction as a simple contract debt.

(7) In default of agreement, the amount of any compensation payable by a health authority under this section shall, if the amount claimed in respect thereof does not exceed twenty pounds, be determined by the District Court or, in any other case, be determined by arbitration under the [Acquisition of Land](#)

(Assessment of Compensation) Act, 1919 , (as amended by subsequent enactments) as if the compensation were the price of land compulsorily acquired.

(8) Every person who, by act or omission, obstructs an officer or agent of a health authority in the lawful exercise of the powers conferred by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds together with, in the case of a continuing offence, a further fine not exceeding one pound for every day on which the offence is continued.

Making of compulsory acquisition order.

81.—(1) Where a health authority desire to acquire compulsorily under this Part of this Act any particular land, they may make an order that such land be acquired compulsorily under this Part of this Act.

(2) A compulsory acquisition order shall be in the prescribed form and shall describe the lands to which it relates by reference to a map complying with the prescribed conditions.

Notices, etc., of making of compulsory acquisition order.

82.—(1) Where a health authority make a compulsory acquisition order, they shall—

- (a) publish at least once in one or more newspapers circulating in their functional area an advertisement in the prescribed form stating that a compulsory acquisition order has been made by them in respect of specified land and that the order and the map referred to therein may be inspected at a specified place, and
- (b) give to every owner or reputed owner, lessee, or reputed lessee, and occupier of the land to which the order relates a written notice in the prescribed form containing the like statements as are mentioned in paragraph (a) of this subsection and also stating that any person aggrieved by the order may send to the Minister, in a specified manner and within a specified time, an objection to the order.

(2) A health authority who have made a compulsory acquisition order and complied in respect thereof with the foregoing provisions of this section may apply to the Minister for an order confirming such compulsory acquisition order.

Confirmation of compulsory acquisition order.

83.—Where an application is made under this Part of this Act to the Minister for an order confirming a compulsory acquisition order and the Minister is satisfied that the provisions of this Part of this Act relating to matters antecedent to such application have been complied with, the following provisions shall have effect—

- (a) if no objection (other than an objection which, in the opinion of the Minister, relates only to compensation) to the compulsory acquisition order is duly made to the Minister or every such objection so made is withdrawn, the Minister may, as he thinks proper, refuse to confirm the compulsory acquisition order, make an order confirming it without modification, or make an order confirming it with such modifications as he thinks proper;
- (b) in any case to which paragraph (a) of this section applies, the Minister may, if he so thinks fit, before dealing with the application cause an inquiry under this Act to be held in respect of the compulsory acquisition order;
- (c) if an objection (other than an objection which, in the opinion of the Minister, relates only to compensation) to the compulsory acquisition order is duly made to the Minister and is not withdrawn, the Minister shall cause an inquiry under this Act to be held in respect of the compulsory acquisition order;
- (d) where an inquiry is held in pursuance of the next preceding paragraph, the Minister, having considered the report of the person by whom the inquiry was held and the objection or all the objections which occasioned the holding of the inquiry, may, as he thinks proper, refuse to confirm the compulsory acquisition order, make an order confirming it without modification, or make an order confirming it with such modifications as he thinks proper.

Notices, etc., of confirmation of compulsory acquisition order.

84.—As soon as may be after the Minister has made an order confirming (whether with or without modification) a compulsory acquisition order, the health authority by whom the compulsory acquisition order was made shall—

- (a) publish in one or more newspapers circulating in their functional area an advertisement in the prescribed form stating that the compulsory acquisition order has been confirmed by the Minister and that a copy thereof as so confirmed and the map referred to therein may be inspected at a specified place, and
- (b) give to every person who appeared at the inquiry (if any) held in respect of the compulsory acquisition order to support an objection thereto made by him a written notice in the prescribed form containing

the like statements as are mentioned in paragraph (a) of this section.

Annulment of compulsory acquisition order by the High Court.

85.—(1) A person who or whose property is affected by a compulsory acquisition order may, within three weeks after the first publication by advertisement of notice of the confirmation of the order by the Minister, apply to the High Court for the complete or the partial annulment of the order, and the High Court, if it is satisfied that the order or any part thereof was made in excess of or was otherwise not authorised by the powers conferred by this Part of this Act or that the person making the application or any other person has been substantially prejudiced by any failure to comply in relation to the order with the provisions of this Part of this Act, may, as the High Court thinks proper, annul the whole of the order or annul a part thereof.

(2) Where an application to the High Court under this section is pending, the High Court may, if it so thinks proper, suspend the operation of the compulsory acquisition order to which the application relates until the application has been finally determined.

(3) Save as is otherwise provided by this section, a compulsory acquisition order shall not be capable of being annulled, quashed, or otherwise questioned (whether before or after confirmation by the Minister) by any court.

Commencement of compulsory acquisition order.

86.—(1) Every compulsory acquisition order which is not wholly annulled by the High Court under this Part of this Act shall (subject and without prejudice to any partial such annulment) come into operation—

(a) if an application is made under this Part of this Act to the High Court for the annulment (whether complete or partial) of the order—on the final determination of that application, or

(b) if no such application is so made—on the expiration of three weeks from the first publication by advertisement of notice of the confirmation of the order by the Minister.

(2) As soon as may be after a compulsory acquisition order comes into operation, the health authority by whom the order was made shall give a copy of the order to every person to whom notice of the making of the order was given in pursuance of this Part of this Act.

Annuity or other payment to Irish Land Commission or Commissioners of Public Works in Ireland.

87.—Where land acquired by a health authority is subject in conjunction with other land to an annuity or other annual payment payable to the Irish Land Commission, or to the Commissioners of Public Works in Ireland, the said Commission or the said Commissioners (as the case may be) may apportion

the annuity or other annual payment in such manner as they consider proper between the land so acquired and such other land or may charge the whole of the annuity or other annual payment on any part of the land subject thereto in exoneration of the residue of such land.

Appropriation of surplus land to other purposes.

88.—A health authority may, with the consent of the Minister and subject to compliance with such conditions as he may think proper to impose, appropriate and use for the purpose of any of their powers and duties any land vested for any purpose in them and not required for the purpose for which it was acquired.

Disposal of surplus land.

89.—(1) A health authority may, with the consent of the Minister, sell, exchange, let, or otherwise dispose of any land vested in them.

(2) The proceeds of the sale under this section of any land by a health authority shall, so far as such proceeds are capital money, be applied with the consent of the Minister to a purpose (including the repayment of borrowed money) to which capital money may properly be applied by the authority.

(3) Where land is exchanged under this section by a health authority, the land taken in such exchange shall (subject to the provisions of this Part of this Act in relation to the appropriation and use of land not required for the purpose for which it was acquired) be applied to the purposes to which the land given in such exchange was applicable by the authority.

(4) [Section 83](#) of the [Local Government Act, 1946](#) (No. 24 of 1946) (which relates to the disposal of land not required by a local authority) shall apply to the disposal (not being by demise for a term not exceeding one year) of land under this section and for this purpose references to the Minister for Local Government in the said section 83 shall be construed as references to the Minister.

Giving of notices under Part VIII.

90.—(1) Any written notice or other document to be given in pursuance of this Part of this Act may be given in any of the following ways:—

(a) in case it is to be given to the Minister, by sending it by post in an envelope addressed to the Minister for Health, Dublin;

(b) in case it is to be given to any other person—

(i) by handing it to such person, or

(ii) by leaving it at the usual or last-known place of abode of such person, or

(iii) by sending it by post in a prepaid registered envelope addressed to such person, in the case of an individual, at his usual or last-known place of abode, or in the case of a company registered

under the Companies Acts, 1908 to 1924, at its registered office, or in the case of any other body corporate or any unincorporated association, at its principal office or place of business.

(2) Where a written notice or other document is to be given in pursuance of this Part of this Act to the owner or the occupier of land and the name of such owner or occupier is not known, such document may be addressed to "the owner" or "the occupier" (as the case may be) of the land and may be given to such owner or occupier by leaving it at or affixing it in a prominent position on the land.

PART IX.

Enforcement of the Act.

Authorised officers.

91.—Each of the following persons shall be an authorised officer for the purpose of this Part of this Act:—

- (a) an officer of the Minister appointed in writing by the Minister to be an authorised officer for the purposes of this Part of this Act,
- (b) an officer of the Minister for Agriculture appointed in writing by the Minister, with the consent of the Minister for Agriculture, to be an authorised officer for the purposes of this Part of this Act,
- (c) the manager of a health authority,
- (d) a chief medical officer,
- (e) an officer of a health authority appointed in writing by the manager therefor to be an authorised officer for the purposes of this Part of this Act,
- (f) an officer of a sanitary authority appointed in writing by the manager therefor to be an authorised officer for the purposes of this Part of this Act.

Limitations on exercise of powers of authorised officers.

92.—The powers conferred by this Part of this Act on an authorised officer, who is not an officer of the Minister or the Minister for Agriculture, shall be exercisable only within the area for which the authorised officer acts.

Requirement to state name and address.

93.—(1) Where an authorised officer has reasonable grounds for believing that a person has contravened any provision of this Act or the regulations or orders made thereunder and so informs such person, the authorised officer may, subject to subsection (2) of this section, require such person to state his name and address and, if the authorised officer thinks it necessary, to produce corroborative evidence of his name and address.

(2) An authorised officer (other than a manager or a chief medical officer) shall not make a requirement under this section unless either—

- (a) he is in a uniform provided for use by him when performing his duties, or
- (b) he produces, for inspection by the person on whom he makes the requirement, if that person requests him so to do, the appropriate written authority given to him by the Minister or the health authority as the case may be.

(3) Where a person fails or refuses to state his name or address in compliance with a requirement made under this section by an authorised officer or, in purported compliance with the requirement, states a name or address or produces corroborative evidence which the authorised officer has reasonable grounds for believing is false or misleading, the following provisions shall, unless the authorised officer has reasonable grounds for believing that such person is a probable source of infection with an infectious disease, have effect—

- (a) the authorised person may detain such person and bring him to the nearest Garda Síochána station,
- (b) such person, on being brought to the nearest Garda Síochána station, shall be detained therein, subject to a maximum period of detention of twenty-four hours, until the authorised officer becomes satisfied as to his correct name and address,
- (c) force may, if necessary, be used for the purpose of carrying out any provision of this subsection.

(4) A person who—

- (a) fails or refuses to state his name or address in compliance with a requirement under this section, or
- (b) gives in purported compliance with a requirement under this section a name, an address or corroborative evidence which is false or misleading, or
- (c) resists being detained under this section or being brought under this section to a Garda Síochána station,

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

Entry on premises.

94.—(1) Subject to subsection (2) of this section, an authorised officer (either alone or accompanied by such

assistants as he thinks proper) may at all reasonable times enter and inspect any premises for the purpose of ascertaining—

- (a) whether there is or has been on or in connection with the premises any contravention of any provision of this Act or of the regulations or orders made thereunder, or
- (b) the extent and nature of any such contravention, or
- (c) whether circumstances exist on or in connection with the premises which would require any action to be taken under this Act or the regulations made thereunder.

(2) An authorised officer (other than a manager or a chief medical officer) shall not enter any premises under this section unless he produces for inspection by the person in occupation or in charge of the premises, if such person requests him so to do, his appointment in writing as an authorised officer.

(3) Where an authorised officer is unable to gain admission to premises which he is empowered by this section to enter, either on account of being refused admission or of being unable, after reasonable inquiry, to find a person from whom to demand admission, he may break open the premises at any time between the hours of 9 a.m. and 6 p.m. on any day.

(4) An authorised officer who is an officer of a health authority (other than a manager or a chief medical officer) or an officer of a sanitary authority shall not exercise the powers conferred on him by subsection (3) of this section without a written authorisation from the manager of such authority to do so in the particular case.

(5) A person who wilfully obstructs or interferes with the exercise by an authorised officer of a power conferred by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(6) In this section, the word “premises” includes temporary dwellings and aircraft.

Assistance from member of
Garda Síochána.

95.—An authorised officer may require a member of the Garda Síochána to assist him in the exercise of any power conferred on him by this Act which involves the detention of any person, the bringing of any person to any place, the breaking open of any premises or any other action in which the use of force may be necessary and is lawful, and any member of the Garda Síochána so required shall comply with the requirement.

Enforcement by Garda
Síochána.

96.—(1) The Minister may, with the consent of the Minister for Justice, by order provide for the enforcement by the Garda Síochána of any specified provision of this Act or the regulations

or orders made thereunder in the whole or a specified part of the State and either generally or in so far as such provision relates to a specified matter.

(2) An order under this section may, in particular, provide for all or any of the following matters:—

- (a) the prosecution of offences by members of the Garda Síochána in lieu of a health authority,
- (b) the conferring on members of the Garda Síochána of any of the powers specified in [section 93](#) or [section 94](#) of this Act,
- (c) the making of payments to the Minister for Justice by a health authority in respect of the enforcement in their functional area of the provisions to which the order relates,
- (d) the regulation of the amounts of any such payments, or the times at which they are to become due and of the manner in which they are to be made.

(3) A member of the Garda Síochána, for the purpose of enforcing in the functional area of a health authority a provision to which an order under this section relates, may require the authority to assist him by making available the services of a medical or other officer, by furnishing an ambulance or in any other manner within the powers of the authority, and the authority shall comply with such requirement.

(4) A member of the Garda Síochána shall not, by virtue of an order under this section, exercise a power specified in [section 93](#) or [section 94](#) of this Act unless—

- (a) he is in uniform, or
- (b) he produces for inspection by the person in relation to whom he exercises the power or in occupation or in charge of the premises in relation to which he exercises the power, if such person requests him so to do, his official identification card.

Onus of proof.

97.—In any prosecution for an offence under this Act, it shall not be necessary to negative by evidence any permit, licence or exemption under this Act or under any regulations under this Act, and the onus of proving any such permit, licence or exemption shall be on the person seeking to avail himself thereof.

PART X.

Miscellaneous Provisions.

Consultative Councils.

98.—(1) The Minister shall by order establish a council to be called “The National Health Council” to give to the Minister

when so required by him advice on matters affecting or incidental to the health of the people.

(2) The Minister shall cause the name of every person who is appointed to be a member of the National Health Council to be published as soon as may be in *Iris Oifigiúil*.

(3) The Minister may, if at any time he requires special advice or assistance in connection with a particular matter relating to his powers and functions, by order establish a special consultative council to give in the manner specified in the order such advice or assistance.

(4) The Minister may by order determine the tenure of office of the members and the procedure of the National Health Council or of any consultative council established under this section.

(5) The Minister may, out of moneys provided by the Oireachtas and to such extent as may be sanctioned by the Minister for Finance, pay to the members of the National Health Council or any consultative council established under this section or of any committee of such council:—

(a) travelling expenses,

(b) subsistence allowances.

(6) The National Health Council and every consultative council established under this section shall consist of persons having practical experience or special knowledge of the matters in respect of which they are to give advice and assistance.

Dissemination of information and advice on health.

99.—(1) Information and advice on matters relating to health may be disseminated by the Minister or by a health authority by advertisements, notices, pamphlets, lectures, radio, cinema exhibitions or any other means.

(2) The Minister may by order direct every health authority, every health authority of a particular class or a particular health authority as to the subjects in relation to which, the manner in which and the extent to which they are to exercise their powers under subsection (1) of this section and a health authority to which any such direction relates shall comply therewith.

Tests of the quality and nature of substances.

100.—(1) The Minister, with the consent of the Minister for Finance, may for the purposes of his powers and duties make arrangements for the carrying out of tests, examinations and analyses of the quality or nature of substances.

(2) The Minister may by regulation do any of the following things in relation to tests, examinations, or analyses arranged for under subsection (1) of this section, that is to say:—

- (a) prescribe the classes of persons to be responsible for the carrying out of such tests, examinations and analyses;
- (b) prescribe the means by and the manner in which the test, examination or analysis is to be made;
- (c) prescribe the certificate or other evidence to be given of the result of any test, examination or analysis and the classes of persons by and to whom such certificate or evidence is to be given;
- (d) provide that any certificate or other evidence prescribed under paragraph (c) of this subsection and given in respect of the test, examination or analysis of a sample of a substance shall as respects that sample be evidence for all purposes of the result of such test.

(3) Whenever regulations made under subsection (2) of this section provide that any particular certificate or other evidence shall be evidence for all purposes of the result of a test, examination or analysis of a sample of a substance, such certificate or other evidence shall, as respects those samples, be accepted by all Courts of Justice as evidence of the result of such test and shall also be accepted by all Courts of Justice as evidence that such test was carried out under and in accordance with the regulations.

Joint action by health authorities.

101.—(1) The Minister may by order provide for and authorise joint action by two or more health authorities in the performance of any function given to them by or under this Act, and the order may contain, in particular, provisions specifying the manner in which the joint action is to be taken and the method of apportioning the expenses of the joint action.

(2) Where immediately before the commencement of this section an institution was maintained by two or more health authorities jointly, the Minister may by order under subsection (1) of this section provide for and authorise the continuance of such joint maintenance under [Part II](#) of this Act.

(3) Where an order under subsection (1) of this section is in force in relation to two or more health authorities, any reference in [Part II](#) of this Act to a health authority shall be construed as including a reference to such health authorities jointly.

Home nursing.

102.—A health authority may, with the consent of the Minister, make arrangements for the provision of a nurse or nurses to give to any person requiring the same, advice and assistance on matters relating to health and to assist sick persons.

Borrowing by health authority.

103.—(1) A health authority may with the consent of the Minister for Local Government borrow for the purposes of defraying any expenses incurred by them in the same manner in which a sanitary authority may borrow for the purpose of defraying expenses under the Public Health Acts, 1878 to 1931, and the provisions of those Acts in relation to borrowing by a sanitary authority shall, with the necessary modifications, apply in relation to borrowing by a health authority under this section.

(2) Money borrowed by the council of a county under this section shall not, for the purposes of Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, be deemed to be part of the debt of the council.

(3) Money borrowed under this section may be lent by means of an issue from the local loans fund as if such loan constituted a local loan within the meaning of the Local Loans Fund Acts, 1935 to 1945, and was authorised by an Act of the Oireachtas.

Provision of ambulances.

104.—(1) A health authority may make arrangements for providing ambulances or other means of transport for the conveyance of patients from places in their functional area to places in or outside such area or from places outside their functional area to places in such area.

(2) Where a person makes use of an ambulance provided under this section, a health authority may, at their discretion but subject to any relevant regulations under [section 31](#) of this Act:—

(a) make a charge for such use in accordance with regulations made by them, or

(b) make no charge therefor.

(3) A charge under subsection (2) of this section for the use of an ambulance by any person may be recovered as a simple contract debt in any court of competent jurisdiction from:—

(a) such person, or, in case such person has died, his legal personal representative, or

(b) any other person liable to maintain such person for the purposes of the [Public Assistance Act, 1939](#) (No. 27 of 1939), by virtue of section 27 of that Act or, in case such other person has died, his legal personal representative.

Provision of residences for officers and servants.

105.—A health authority may, with the approval of the Minister, and shall, if the Minister so directs, provide and maintain residences for the use of officers appointed or servants employed by them.

Amendment of Rats and Mice (Destruction) Act, 1919.

106.—The definition of the expression “occupier” in [section 8](#) of the [Rats and Mice \(Destruction\) Act, 1919](#), shall be amended by the insertion at the end thereof of the words “or in any other

case the person for the time being liable to pay rates on such land.”

Dissolution of Port Sanitary Authorities. **107.**—(1) The Minister after consultation with the Minister for Local Government may by order dissolve a port sanitary authority.

(2) An order under this section dissolving a port sanitary authority shall contain such provisions as the Minister thinks necessary or expedient consequential on the dissolution of such port sanitary authority and may, in particular, make provision for:—

- (a) the transfer of property, rights and liabilities of the port sanitary authority to a health authority,
- (b) the preservation of continuing contracts made by the port sanitary authority,
- (c) the continuance of pending legal proceedings,
- (d) the transfer of the holders of offices under the port sanitary authority to similar offices under a health authority, or the abolition of such offices.

(3) Where, by an order under this section, the holder of an office under a port sanitary authority is transferred to an office under a health authority, the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(4) In this section the expression “port sanitary authority” means a port sanitary authority constituted under Section 9 of the Public Health (Ireland) Act, 1896.

Compensation for damage to person or property. **108.**—(1) Subject to the provisions of subsection (2) of this section any person who suffers damage by reason of an injury to his property caused by a health authority or their officers or servants in the exercise of their powers or the performance of their duties under any of the provisions of this Act except Part VIII in a matter in which he is not in default shall be entitled to recover compensation for such damage from such health authority.

(2) A person shall not be entitled to recover compensation from a health authority in respect of injury to his property caused by any measures taken for the cleansing, disinfection, disinfestation or destruction of such property where such property has been knowingly and unnecessarily exposed to infection or infestation.

(3) Any person who suffers damage by reason of injury to his person caused by the negligence of a health authority or of any of their officers or servants in the exercise of their powers or performance of their duties under this Act shall be entitled to

recover compensation for such damage from such health authority.

(4) The personal representative of any person whose death is caused by the negligence of a health authority or of any of their officers or servants in the exercise of their powers or performance of their duties under this Act shall be entitled to recover damages from the health authority in respect of such death in an action brought under the Fatal Accidents Acts, 1846 to 1908.

Adaptation of enactments. **109.**—(1) The Minister may by order make, in respect of any statute, order or regulation in force at the passing of this Act and relating to any matter or thing dealt with or affected by this Act, any adaptations or modifications which appear to him to be necessary to enable such statute, order or regulation to have effect in conformity with this Act.

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

FIRST SCHEDULE.

Enactments Repealed.

Section 4 .

Session and Chapter or Number and Year.	Short Title	Extent of Repeal
21 & 22 Vic., c. 64.	Vaccination (Ireland) Act, 1858.	The whole Act.
26 & 27 Vic., c. 52.	Vaccination (Ireland) Act, 1863.	The whole Act.
31 & 32 Vic., c. 87.	Vaccination Amendment (Ireland) Act, 1868.	The whole Act.
41 & 42 Vic., c. 52.	Public Health (Ireland) Act, 1878 .	Section 11, paragraph (3) of section 91, section 95, paragraph (3) of section 97, paragraph (6) of section 100, sections 132 to 156 and sections 158 and 258.
42 & 43 Vic., c. 70.	Vaccination Amendment (Ireland) Act, 1879.	The whole Act.
46 & 47 Vic., c. 59.	Epidemic and Other Disease Prevention Act, 1883.	The whole Act.

47 & 48 Vic., c. 69.	Cholera, Etc., Protection (Ireland) Act, 1884.	The whole Act.
52 & 53 Vic., c. 72.	Infectious Disease (Notification) Act, 1889.	The whole Act.
53 & 54 Vic., c. 34.	Infectious Disease (Prevention) Act, 1890.	The whole Act.
53 & 54 Vic., c. 59.	Public Health Acts Amendment Act, 1890 .	Sections 28 and 32.
59 & 60 Vic., c. 19.	Public Health Act, 1896.	The whole Act.
59 & 60 Vic., c. 54.	Public Health (Ireland) Act, 1896 .	Sections 9 to 14 and 18.
60 & 61 Vic., c. 31.	Cleansing of Persons Act, 1897.	The whole Act.
61 & 62 Vic., c. 37.	Local Government (Ireland) Act, 1898 .	Section 32.
4 Edw. VII, c. 16	Public Health Act, 1904.	The whole Act.
7 Edw. VII, c. 32.	Public Health (Regulations as to Food) Act, 1907.	The whole Act.
7 Edw. VII, c. 53.	Public Health Acts Amendment Act, 1907 .	Section 50, Part IV.
8 Edw. VII, c. 56.	Tuberculosis Prevention (Ireland) Act, 1908.	Parts I and II; Sections 14 to 16 and 21.
1 & 2 Geo. V, c. 52.	Rag Flock Act, 1911.	The whole Act.
2 & 3 Geo. V, c. 25.	Tuberculosis Prevention (Ireland) Act, 1913.	The whole Act.
5 & 6 Geo. V, c. 64.	Notification of Births (Extension) Act, 1915 .	Section 2; paragraph (b) of subsection (2) of section 3.
7 & 8 Geo. V, c. 40.	Public Health (Prevention and Treatment of Disease) (Ireland) Act, 1917.	The whole Act.
8 & 9 Geo. V, c. 29.	Maternity and Child Welfare Act, 1918.	Section 4.
9 & 10 Geo. V, c. 16.	Public Health (Medical Treatment of Children) (Ireland) Act, 1919.	The whole Act.
No. 5 of 1925.	Local Government Act, 1925 .	Sections 18 , 19 , and 21 to 23 .

No. 3 of [Local Government Act, Section 3](#) ; the [Second Schedule](#) .
1927. [1927](#) .

No. 23 of [Local Government Act, Section 87](#) .
1941. [1941](#) .

SECOND SCHEDULE.

Matters for which Provision may be made in Regulations for the Prevention of the Spread of Infectious Disease.

[Section 31.](#)

1. The requiring of registered medical practitioners and other persons to notify a medical officer of health of cases or suspected cases of a particular infectious disease or of probable sources of infection with an infectious disease coming under their notice and the prescribing of the manner in which and the time within which the notifications are to be given.

2. The requiring of adult persons to submit themselves, or the parents of children to submit such children, to examinations by registered medical practitioners to find out whether such adult persons or children are probable sources of infection and the requiring of such adult persons or parents to afford to such practitioners all reasonable facilities for such examinations, including the permission to take blood or other specimens for examinations or tests.

3. The requiring of adult persons to submit themselves, or the parents of children to submit such children, to specified measures in relation to the protection or immunisation of such adult persons or children against a particular infectious disease.

4. The requiring of adult persons to remain in their homes or the parents of children to keep the children in their homes and the requiring of such adult persons or parents to take in such homes precautions by way of isolation or otherwise against the spread of infection.

5. The requiring of adult persons to remain away from specified places or the parents of children to keep the children away from specified places.

6. The prohibition of parents of children suffering from infectious disease from sending the children to, or permitting them, to attend, school.

7. The restriction of the attendance at school of children who are probable sources of infection with infectious diseases, and the duty of parents to ensure compliance with the restrictions.

8. The furnishing by school managers of schools or colleges, at which cases of infectious diseases have occurred, of list of names and addresses of pupils or students.

9. Restrictions on the use of public conveyances by persons suffering from infectious disease.

10. The powers and duties of owners and persons in charge of public conveyances as regards persons conveyed therein who are probable sources of infection with infectious diseases.

11. The inspection of buildings and structures, vehicles, vessels and aircraft.

12. The compulsory cleansing, disinfection or disinfestation of persons, buildings, structures, vehicles, vessels, aircraft or articles and the compulsory destruction of rats.

13. The safe disposal or destruction of infected or dirty articles.
14. Precautions against infected food and drink.
15. Precautions against the spread of infection from animals.
16. The burial of the bodies of persons who have died from infectious disease and the custody and transport of such bodies before burial.
17. Restrictions on the holding of wakes.
18. The requiring of health authorities to provide medical services or institutional accommodation and treatment at the cost either of themselves or of the recipients as the regulations shall provide.
19. The requiring of health authorities to pay registered medical practitioners fees for notifications of cases or suspected cases of infectious disease.
20. Precautions against the spread of infectious disease from vessels or aircraft coming into or leaving the State or from passengers or crews of such vessels or aircraft, including:—
 - (a) duties to be performed by masters, pilots and other persons on board vessels or aircraft,
 - (b) the detention of vessels or aircraft or persons on board vessels or aircraft,
 - (c) the display of signals on, and the sending of messages by wireless telegraphy or otherwise from, vessels or aircraft having on board cases or suspected cases of infectious disease,
 - (d) the questions to be answered by masters, pilots and other persons on board vessels or aircraft which have put into port or landed as to cases or suspected cases of infectious disease on board during voyage or on arrival.
21. The giving to the public of information and advice with respect to infectious disease by advertisements, notices, pamphlets, lectures, radio, cinema exhibitions or any other means.
22. The definition for the purposes of the relevant regulations of a particular infectious disease in any suitable manner including, in particular, by reference to any stage of the disease.



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Number 1
of 2020

HEALTH (PRESERVATION AND PROTECTION AND OTHER EMERGENCY MEASURES IN THE
PUBLIC INTEREST) ACT 2020

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Number 1 of 2020

HEALTH (PRESERVATION AND PROTECTION AND OTHER EMERGENCY MEASURES IN THE PUBLIC INTEREST) ACT 2020

An Act, to make exceptional provision, in the public interest and having regard to the manifest and grave risk to human life and public health posed by the spread of the disease known as Covid-19 and in order to mitigate, where practicable, the effect of the spread of the disease known as Covid-19, to amend the Health Act 1947 to confer a power on the Minister for Health to make regulations prohibiting or restricting the holding of certain events or access to certain premises and to provide for enforcement measures; to provide for powers for certain medical officers of health to order, in certain circumstances, the detention of persons who are suspected to be potential sources of infection with the disease known as Covid-19 and to provide for enforcement measures in that regard; and to confer on the Minister for Health the power to designate areas as areas of infection of Covid-19 and to provide for related matters; to amend and extend the Social Welfare Acts to provide for amendments in relation to entitlement to illness benefit for persons who have been diagnosed with, or are a probable source of infection with the disease known as Covid-19; and to provide for amendments in relation to jobseeker's benefit and jobseeker's allowance to mitigate the economic effects of the spread of the disease known as Covid-19; and to provide for related matters.

[20th March, 2020]

WHEREAS an emergency has arisen of such character that it is necessary for compelling reasons of public interest and for the common good that extraordinary measures should be taken to deal with the immediate, exceptional and manifest risk to human life and public health posed by the spread of the disease known as Covid-19;

AND WHEREAS the State is and its citizens are, in significant respects, highly exposed to the effect of the spread of the disease known as Covid-19; and having regard to the constitutional duty of the State to respect and, as far as practicable, by its laws to defend and vindicate the rights of citizens to life and to bodily integrity, it is necessary to introduce a range of extraordinary measures and safeguards to prevent, minimise, limit or slow the risk of persons being infected with the disease known as Covid-19;

AND WHEREAS as a consequence it is necessary for the State to take the measures in this Act to address the emergency and to defend and vindicate the rights of citizens to life and to bodily integrity;

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title and construction

1. (1) This Act may be cited as the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020.

(2) The Social Welfare Acts and Part 2 shall be construed together as one Act.

Commencement and operation

2. (1) The amendments effected by sections 4 , 5 and 6 shall be deemed to have come into operation on the 9th day of March 2020.

(2) The amendments effected by sections 7 and 8 shall be deemed to have come into operation on the 13th day of March 2020.

(3) The amendments effected by—

(a) Part 2 , subject to subsection (4), continue in operation until the 9th day of May 2020, and

(b) Part 3 , continue in operation until the 9th day of November 2020, unless a resolution approving of the continuation of Part 3 has been passed by both Houses of the Oireachtas.

(4) The Government, at the request of the Minister for Employment Affairs and Social Protection following consultation with any other Minister of the Government as he or she considers appropriate having regard to the functions of that Minister of the Government, may where they are satisfied that it is in the public interest to do so, from time to time, by order declare that all or any of the amendments effected by Part 2 shall continue in operation for such period or periods as may be specified in the order concerned.

(5) An order under subsection (4) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

PART 2

Amendments to Social Welfare Acts

Definition

3. In this Part, “Act of 2005” means the Social Welfare Consolidation Act 2005 .

Amendment of section 21 of Act of 2005

4. Section 21 of the Act of 2005 is amended, in subsection (1)(e), by the substitution of “illness benefit granted to a person to whom section 40(7) applies, invalidity pension” for “invalidity pension”.

Amendment of section 40 of Act of 2005

5. Section 40 of the Act of 2005 is amended—

(a) in subsection (1), by the substitution of the following paragraph for paragraph (b):

“(b) he or she satisfies the contribution conditions in section 41 or such conditions as may be prescribed in accordance with regulations under section 40A.”,

and

(b) by the insertion of the following subsections after subsection (6):

“(7) Subject to subsection (8), this subsection applies to a person who is incapable of work, or is deemed to be incapable of work, by virtue of—

(a) being certified in the prescribed manner by a registered medical practitioner as being a person—

(i) who is diagnosed with Covid-19, or

(ii) who is a probable source of infection of Covid-19,

(b) having been notified, in the prescribed manner, by a medical officer of health or such other person as may be prescribed, that he or she is a probable source of infection of Covid-19,

(c) being deemed, in accordance with regulations under section 40A, to be a probable source of infection of Covid-19, or

(d) being a person in respect of whom an order under section 38A(1) of the Health Act 1947 is in force.

(8) Notwithstanding subsection (7), the Minister may prescribe a category or categories of persons who, by virtue of the terms and conditions (expressed or implied) of their contract of employment, shall not be entitled to illness benefit in respect of absences from employment arising from their being a person to whom subsection (7) applies.

(9) Notwithstanding subsection (2), a person to whom subsection (7) applies shall be entitled to illness benefit on and from the first day of any period of incapacity, or deemed incapacity, for work.

(10) Notwithstanding anything in this Act, the Minister may, in respect of a person to whom subsection (7) applies, prescribe the minimum contribution conditions to be satisfied.

(11) Notwithstanding anything in this Act, in respect of a person to whom subsection (7) applies, the Minister may by regulations under section 40A vary the rate of illness benefit for such period as may be prescribed.

(12) In this section and section 40A, ‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation

6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations.”.

Regulations in respect of persons to whom section 40(7) applies

6. The Act of 2005 is amended by the insertion of the following section after section 40:

“40A. (1) The Minister may, following consultation with the Minister for Health, with the consent of the Minister for Public Expenditure and Reform, and having regard to the matters specified in subsection (2), make regulations for the purposes of giving full effect to the relevant provisions and such regulations may, in particular, but without prejudice to the generality of the foregoing, provide for all or any of the following:

- (a) the matters referred to as prescribed by the relevant provisions;
- (b) the procedure by which, and manner in which, a person is certified to be a relevant person;
- (c) notwithstanding the generality of paragraph (b), the procedure by which, and manner in which, a person is deemed to be a probable source of infection of Covid-19;
- (d) the requirements in relation to which, and the manner in which, a relevant person shall notify the Minister of the circumstances of his or her incapacity, or deemed incapacity, for work;
- (e) additional conditions for entitlement of a relevant person to illness benefit;
- (f) such additional, incidental, consequential or supplemental matters as the Minister considers necessary or expedient for the purposes of giving effect to the relevant provisions.

(2) When making regulations under this section, the Minister shall have regard to the following:

- (a) the nature and potential impact of Covid-19 on individuals, society and the State;
- (b) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19;
- (c) the policies and objectives of the Government to protect the health and welfare of members of the public;
- (d) the need to ensure the most beneficial, effective and efficient use of resources;
- (e) the need to mitigate the economic effects of the spread of Covid-19;
- (f) in relation to regulations made for the purposes of section 40(7)(c), the impact of the requirement for certification on the availability of resources within the health services.

(3) In this section—

‘relevant person’ means a person to whom section 40(7) applies;

‘relevant provisions’ means subsections (7) to (12) of section 40.”.

Amendment of section 62 of Act of 2005

7. Section 62 of the Act of 2005 is amended by the substitution of the following subsection for subsection (4):

“(4) A person shall not, except as provided for by regulations made with the consent of the Minister for Public Expenditure and Reform, be entitled to jobseeker’s benefit for the first 3 days of any period of interruption of employment.”.

Amendment of section 141 of Act of 2005

8. Section 141 of the Act of 2005 is amended in subsection (2) by the substitution of the following paragraph for paragraph (a):

“(a) A person shall not, except as provided for by regulations made with the consent of the Minister for Public Expenditure and Reform, be entitled to jobseeker’s allowance for the first 3 days of unemployment in any continuous period of unemployment.”.

PART 3

Amendment to Health Act 1947

Definition

9. In this Part, “Act of 1947” means the Health Act 1947 .

Amendment of Act of 1947

10. The Act of 1947 is amended by the insertion of the following sections after section 31:

“Regulations for preventing, limiting, minimising or slowing spread of Covid-19

31A. (1) The Minister may, having regard to the immediate, exceptional and manifest risk posed to human life and public health by the spread of Covid-19 and to the matters specified in subsection (2), make regulations for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19 (including the spread outside the State) or where otherwise necessary, to deal with public health risks arising from the spread of Covid-19 and, without prejudice to the generality of the foregoing, such regulations may, in particular, provide for all or any of the following:

(a) restrictions to be imposed upon travel to or from the State;

(b) restrictions to be imposed upon travel to, from or within geographical locations to which an affected areas order applies;

(c) without prejudice to the generality of paragraph (b), restrictions to be imposed upon persons or classes of persons resident in, working in or visiting locations referred to in paragraph (b) including (but not limited to)—

(i) requiring persons to remain in their homes, or

(ii) without prejudice to any other provisions of this Act or regulations made thereunder requiring persons to remain in such other places, as may be specified by the Minister;

(d) the prohibition of events, or classes of events, including (but not limited to) events—

(i) which, by virtue of the nature, format, location or environment of the event concerned or the arrangements for, or the activities involved in, or the numbers likely to be

attending, the event could reasonably be considered to pose a risk of infection with Covid-19 to persons attending the event,

(ii) at specified geographical locations to which an affected areas order applies,

(iii) at locations which by virtue of the nature, format, or environment of the locations concerned or the arrangements for, or the activities involved in, or the numbers likely to be attending the type of events at the locations, could reasonably be considered to pose a risk of infection with Covid-19 to persons attending at events at those locations,

(iv) where the level of proposed attendance or likely level of attendance at the event could reasonably be considered to pose a risk of infection with Covid-19 to persons attending the event;

(e) the safeguards required to be put in place by event organisers in relation to events in order to prevent, limit, minimise or slow the risk of persons attending any such event of being infected with Covid-19;

(f) the safeguards required to be put in place by owners or occupiers of a premises or a class of premises (including the temporary closure of such premises) in order to prevent, limit, minimise or slow the risk of persons attending such premises of being infected with Covid-19;

(g) the safeguards required to be put in place by owners or occupiers of any other place or class of place, (including the temporary closure of such place or class of place) in order to prevent, limit, minimise or slow the risk of persons attending at such place or class of place of being infected with Covid-19;

(h) without prejudice to the generality of the foregoing paragraphs, the safeguards required to be put in place by managers (howsoever described) of schools, including language schools, creches or other childcare facilities, universities or other educational facilities (including the temporary closure of such facilities) to prevent, minimise, limit, or slow the risk of infection of persons attending such premises of being infected with Covid-19;

(i) any other measures that the Minister considers necessary in order to prevent, limit, minimise or slow the spread of Covid-19;

(j) the giving of notices, the particulars to be contained therein and the manner in which such notices may be given for the purposes of the regulations;

(k) such additional, incidental, consequential or supplemental matters as the Minister considers necessary or expedient for the purposes of giving full effect to the regulations.

(2) When making regulations under subsection (1), the Minister—

(a) shall have regard to the following:

(i) the fact that a national emergency has arisen of such character that there is an immediate and manifest risk to human life and public health as a consequence of which it is expedient in the public interest that extraordinary measures should be taken to safeguard human life and public health;

(ii) the fact that a declaration of Public Health Emergency of International Concern was made by the World Health Organisation in respect of Covid-19 and that Covid-19 was duly declared by that Organisation to be a pandemic;

(iii) the fact that Covid-19 poses significant risks to human life and public health by virtue of its potential for incidence of mortality;

(iv) the policies and objectives of the Government to take such protective measures as are practicable to vindicate the life and bodily integrity of citizens against a public health risk;

(v) the need to act expeditiously in order to prevent, limit, minimise or slow the spread of Covid-19;

(vi) the resources of the health services, including the number of health care workers available at a given time, the capacity of the workers to undertake measures, to test persons for Covid-19 and to provide care and treatment to persons infected with Covid-19, the necessity to take such measures as are appropriate to protect health care workers from infection from Covid-19, and the capacity of hospitals or other institutions to accommodate and facilitate the provision of care and treatment to infected persons;

(vii) the resources, including the financial resources, of the State;

(viii) the advice of the Chief Medical Officer of the Department of Health,

and

(b) may, have regard to any relevant guidance (including, in particular, any guidance relating to the risk assessment for, and case definition relating to, Covid-19) provided by the World Health Organisation, the European Centre for Disease Prevention and Control, the Health Protection Surveillance Centre of the Health Service Executive and other persons with relevant medical and scientific expertise.

(3) Before making regulations under subsection (1), the Minister—

(a) shall consult any other Minister of the Government as he or she considers appropriate having regard to the functions of that other Minister of the Government, and

(b) may consult any other person as the Minister considers appropriate for the purposes of these regulations.

(4) The Minister may, having consulted any other Minister of the Government as he or she considers appropriate having regard to the functions of that other Minister of the Government, exempt specified classes of persons including, but not limited to persons, who perform essential services, including statutory duties or other specified public or other services, from regulations under subsection (1).

(5) This section is without prejudice to the provisions of section 31, including as they may relate to Covid-19.

(6) A person who—

(a) contravenes a provision of a regulation made under subsection (1) that is stated to be a penal provision,

(b) obstructs, interferes with or impedes a relevant person in the course of exercising a power conferred by regulations under this section on that relevant person,

(c) fails or refuses to give to a relevant person information—

(i) that is within the first-mentioned person's knowledge,

(ii) that the first-mentioned person is required by regulations under this section to give the relevant person, and

(iii) that the first-mentioned person has been requested to give, or has been otherwise informed of the requirement to give, to a relevant person,

or

(d) in purported compliance with a requirement under regulations under subsection (1), gives information to a relevant person that, to the first-mentioned person's knowledge, is false or misleading in any material particular,

shall be guilty of an offence.

(7) A member of the Garda Síochána who suspects, with reasonable cause, that a person is contravening or has contravened a provision of a regulation made under subsection (1) that is stated to be a penal provision, may, for the purposes of ensuring compliance with the regulation, direct the person to take such steps as the member considers necessary to comply with the provision.

(8) (a) A person who, without lawful authority or reasonable excuse, fails to comply with a direction under subsection (7) shall be guilty of an offence.

(b) A member of the Garda Síochána may arrest without warrant a person whom the member has reasonable cause for believing is committing or has committed an offence under this subsection.

(9) A member of the Garda Síochána who has reasonable grounds for believing that a person is committing or has committed an offence under this section may require the person to state his or her name and address.

(10) A person who fails or refuses to state his or her name and address in compliance with a requirement under subsection (9), or who, in purported compliance with such a requirement, states a name or address that is false or misleading, shall be guilty of an offence.

(11) A member of the Garda Síochána may arrest without warrant any person whom the member has reasonable cause for believing has committed an offence under subsection (10).

(12) A person who commits an offence under this section is liable on summary conviction to a class C fine, or to imprisonment for a term not exceeding 6 months, or both.

(13) (a) Regulations under subsection (1) may provide for their implementation and enforcement by a person (in this section referred to as a 'relevant person'), or group of such relevant persons, as may be specified, and for this purpose different persons, or combinations of persons, may be so specified for different purposes in, or in relation to different provisions of, such regulations.

(b) Without prejudice to the generality of paragraph (a), persons who may be specified under this subsection include—

- (i) an authorised officer,
- (ii) a medical officer of health,
- (iii) an officer of the Minister for Justice and Equality,
- (iv) an officer of customs (within the meaning of the Customs Act 2015), or
- (v) a person, or group of persons, appointed by the Health Service Executive.

(14) Without prejudice to the generality of section 95, a relevant person may, in the course of exercising a power or performing a function conferred on that officer by regulations under subsection (1), require a member of the Garda Síochána to assist in the exercise of the power or the performance of the function, including by way of temporarily detaining any person, bringing a person to any place, breaking open of any premises, or any other action in which the use of force may be necessary and is lawful, and any member of the Garda Síochána so required shall comply with the requirement.

(15) (a) Where an offence under this section is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person shall, as well as the body corporate, be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(b) Where the affairs of a body corporate are managed by its members, paragraph (a) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(16) In this section, section 31B and section 38A—

‘event’ means a gathering of persons, whether the gathering is for cultural, entertainment, recreational, sporting, commercial, work, social, community, educational, religious or other reasons, and includes but is not limited to a gathering which is required to be subject to a consent, licence or other form of permission granted in relation to it by any Minister of the Government or public body pursuant to any enactment or rule of law which provides for the regulation of proper planning and sustainable development, traffic management, sale of alcohol, safety and health at work or otherwise;

‘event organiser’, in relation to an event, means a person who—

- (a) is engaged in publicising, arranging, organising or managing the event, or
- (b) receives some or all of the revenue, where applicable, from the event;

‘premises’ includes a building or any part of a building, any outdoor space surrounding or adjacent to the premises, whether or not used in conjunction with the premises, any land, premises, tent, caravan, or other temporary or moveable structure, ship or other vessel, aircraft, railway carriage or other vehicle (whether stationary or otherwise) and any storage container.

(17) In this section, section 31B and section 38A—

‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations;

‘European Centre for Disease Prevention and Control’ means the Agency established under the provisions of Regulation (EC) No. 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control.

Affected areas orders

31B. (1) Subject to subsection (2), the Minister may, having regard to the matters specified in section 31A(2), by order declare an area or region in the State to be an area where there is known or thought to be sustained human transmission of Covid-19 or from which there is a high risk of importation of infection or contamination with Covid-19 by travel from that area (in this Act referred to as an ‘affected areas order’).

(2) When making an order under this section, the Minister shall have regard to the advice of the Chief Medical Officer of the Department of Health and shall consult with such Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government.”.

Detention and isolation of persons in certain circumstances

11. The Act of 1947 is amended by insertion of the following section after section 38:

“38A. (1) Where, having regard to the matters specified in subsection (2), a medical officer of health believes in good faith that—

- (a) a person is a potential source of infection, and
- (b) the person is a potential risk to public health, and
- (c) his or her detention and isolation is appropriate in order to—
 - (i) prevent, limit, minimise or slow the spread of Covid-19, and
 - (ii) minimise the risk to human life and public health,

and

(d) such person cannot be effectively isolated, refuses to remain or appears unlikely to remain in his or her home or other accommodation arranged, or agreed, by the Health Service Executive,

the officer may in writing order the detention and isolation of such person in a hospital or other place specified in the order (including such other hospital or other place as may subsequently be appropriate and specified in the order) until such time as the medical officer certifies that the person’s detention is no longer required for the purposes of this section.

(2) For the purposes of subsection (1), a medical officer of health shall have regard to the following:

(a) the need to act expeditiously in order to prevent, limit, minimize or slow the spread of Covid-19;

(b) the resources of the health services including the number of health care workers available at a given time, the capacity of those workers to undertake measures, the necessity to take such measures as are appropriate to protect health care workers from infection from Covid-19, and the capacity of hospitals or other institutions to accommodate and facilitate the provision of treatment of infected persons;

(c) the policies and objectives of the Government to protect human life and public health for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19, (including the spread outside the State);

(d) the fact that Covid-19 is recently declared by the World Health Organisation to be a pandemic and any relevant guidance (including, in particular, any guidance relating to the risk assessment for, and case definition relating to, Covid-19) provided by the World Health Organisation, the European Centre for Disease Prevention and Control or the Health Protection Surveillance Centre of the Health Service Executive;

(e) the advice of any other public health officials with relevant medical and scientific expertise.

(3) An order made under subsection (1) shall be of no effect unless the medical officer of health has certified his or her opinion as to the matters referred to in that subsection.

(4) A medical officer of health who makes an order under subsection (1) shall keep the detention order under review and ensure that a medical examination of the person who is the subject of the order is carried out as soon as possible and in any event no later than 14 days from the time the person has been detained.

(5) A person who is the subject of an order under subsection (1) may request that his or her detention be reviewed by a medical officer of health, other than the officer who makes the order concerned, on the grounds that he or she is not a potential source of infection.

(6) Where a request is made by a person under subsection (5), his or her detention shall be reviewed as soon as practicable and, where a medical officer of health who carries out the review considers that the person is not, at time of review concerned, a potential source of infection, the medical officer shall certify that the person is no longer required to be detained for the purposes of the section and the person shall be discharged accordingly.

(7) Subject to the requirements in relation to medical examination and the period of detention specified in subsection (4) —

(a) the provisions of subsections (2) (a) to (g), (3) and (4) of section 38 shall with any necessary modification apply to a person who is subject to detention and isolation under the provisions of this section, and

(b) the provisions of subsection (5) of section 38 shall with any necessary modification apply to a person who—

(i) prevents or attempts to prevent the detention, or the bringing to a hospital or other place, of any person who is subject to detention and isolation under the provisions of this section,

(ii) assists in an escape or an attempted escape of any person who is subject to detention and isolation under the provisions of this section, or

(iii) obstructs or interferes with the exercise of any power conferred by this section.

(8) A person who is guilty of an offence under this section shall, on summary conviction thereof, be liable to a class C fine or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both.

(9) The cost of the maintenance and treatment of a person to whom an order under this section relates in the hospital or other place specified in the order shall be paid by the Health Service Executive.

(10) In this section—

‘potential source of infection’ means, in relation to a person, a person who meets one or more of the following criteria:

(a) a person who has been in recent contact with a person whom the medical officer of health believes in good faith to be—

(i) a probable source of infection of Covid-19, or

(ii) suffering from Covid-19;

(b) a person who has attended an event which the medical officer of health believes in good faith was attended by a person or persons who—

(i) is or are a probable source of infection with Covid-19, or

(ii) is or are suffering from Covid-19;

(c) a person who has travelled from, or been in contact with a person or persons who has or have travelled from a place outside the State that the medical officer of health believes in good faith to have a significant number of cases of persons infected with Covid-19;

(d) a person who has travelled from, to or within, or been in contact with a person or persons who has or have travelled from, to or within a geographical area to which an affected areas order applies;

(e) any other person whom the medical officer of health believes in good faith to be a potential source of infection with Covid-19.”.

1 O.J. No. L 142/1 of 30.04.2004, p. 1.



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Number 2
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EMERGENCY MEASURES IN THE PUBLIC INTEREST (COVID-19) ACT 2020

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Acts Referred to

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Medical Practitioners Act 2007 (No. 25)

Mental Health Act 2001 (No. 25)

Nurses and Midwives Act 2011 (No. 41)

Payment of Wages Act 1991 (No. 25)

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Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17)

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EMERGENCY MEASURES IN THE PUBLIC INTEREST (COVID-19) ACT 2020

An Act, to make exceptional provision, in the public interest and having regard to the manifest and grave risk to human life and public health posed by the spread of the disease known as Covid-19 and in order to mitigate, where practicable, the effect of the spread of that disease and to mitigate the adverse economic consequences resulting, or likely to result from the spread of that disease and to mitigate its impact on the administration of vital public service functions; to make provision in relation to the operation of certain provisions of the Residential Tenancies Act 2004 during the period of 3 months following the enactment of this Act and such further period (if any) as may be specified by order of the Government; to amend the Planning and Development Act 2000 to provide, in certain circumstances, for the disregard of a certain period in the calculation of time limits referred to in that Act and in certain other enactments; to provide for the registration of certain health and social care professionals to fulfil the need for medical resources to alleviate the risk from Covid-19 to human life and public health and for those and related purposes to amend the Dentists Act 1985 , the Health and Social Care Professionals Act 2005 , the Pharmacy Act 2007 , the Medical Practitioners Act 2007 , and the Nurses and Midwives Act 2011 ; to make provision, due to the exigencies of the public health emergency posed by the spread of Covid-19, for certain amendments and modifications to the provisions of the Mental Health Act 2001 relating to the carrying out of reviews under section 18 of that Act; to amend the Defence Act 1954 to enable the re-enlistment of formerly enlisted persons; to enable the provision of a temporary wage subsidy to certain employees; to make provision in relation to the operation of certain provisions of the Redundancy Payments Act 1967 for a certain period following the enactment of this Act and such further period (if any) as may be specified by order of the Government and, for that purpose, to amend the Redundancy Payments Act 1967 ; to make provision allowing for the modified operation of certain aspects of the civil registration system, if required, for a limited period and such further period (if any) as may be specified by order of the Government, including by way of allowing certain persons to provide particulars to a registrar in writing rather than by appearing in person, and by allowing the staff of an tArd-Chláraitheoir to perform the functions of certain registrars in circumstances where the civil registration system is not available or able to perform its statutory functions as it ordinarily would be, and for those purposes, to amend the Civil Registration Act 2004 ; and to provide for related matters.

[27th March, 2020]

WHEREAS an emergency has arisen in the State by virtue of the spread of the disease known as Covid-19;

AND WHEREAS the State is and its citizens are, in significant respects, highly exposed to the effect of the spread of that disease; and having regard to the constitutional duty of the State to respect and, as far as practicable, by its laws to defend and vindicate the rights of citizens to life and to bodily integrity, it is necessary to introduce a range of extraordinary measures and safeguards to prevent, minimise, limit or reduce the risk of persons being infected with that disease;

AND WHEREAS the emergency that has arisen is of such a character that it is necessary for compelling reasons of public interest and for the common good that extraordinary measures should be taken to mitigate, to the extent practicable, the adverse economic consequences resulting, or likely to result, from the spread of that disease and to mitigate its impact on the administration of vital public service functions;

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, commencement and operation

1. (1) This Act may be cited as the Emergency Measures in the Public Interest (Covid-19) Act 2020.

(2) (a) Part 3 shall come into operation on such day as the Minister for Housing, Planning and Local Government may by order appoint.

(b) Part 5 shall come into operation on the 30th day of March 2020.

(c) The amendments effected by Part 8 shall be deemed to have come into operation on the 13th day of March 2020.

(d) The amendments effected by Part 9 shall be deemed to have come into operation on the 13th day of March 2020.

(3) The amendments to and other modifications of the Mental Health Act 2001 effected by Part 5—

(a) subject to paragraph (b), continue in operation until the 9th day of November 2020, and

(b) may be continued in operation by a resolution passed by each House of the Oireachtas before the date referred to in paragraph (a) until such date as may be specified in the resolutions.

Definition

2. In this Act, “Covid-19” means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations.

PART 2

Operation of Residential Tenancies Act 2004

Interpretation

3. (1) In this Part—

“Act of 2004” means the Residential Tenancies Act 2004 ;

“emergency period” means—

- (a) the period of 3 months commencing on the enactment of this Act, and
- (b) such other period (if any) as may be specified by order under section 4.

(2) In this Part—

- (a) references to landlord shall be construed as including references to licensor within the meaning of section 37 of the Residential Tenancies (Amendment) Act 2019 ,
 - (b) references to tenant shall be construed as including references to licensee within such meaning, and
 - (c) references to tenancy shall be construed as including references to licence within such meaning.
- (3) A word or expression that is used in this Part and in the Act of 2004 shall have the meaning in this Part that it has in that Act.

Extension of emergency period

4 (1) The Government may, on the request of the Minister for Housing, Planning and Local Government made—

- (a) after consultation with the Minister for Health, and
- (b) with the consent of the Minister for Public Expenditure and Reform,

from time to time, by order extend the emergency period for such period as they consider appropriate if they are satisfied that, having regard to—

- (i) the threat to public health presented by Covid-19,
- (ii) the highly contagious nature of that disease, and
- (iii) the need to restrict the movement of persons in order to prevent the spread of the disease among the population,

the making of such order is in the public interest.

(2) Every order under this Part shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Notices of termination under Act of 2004

5. (1) (a) A landlord shall not serve a notice of termination in relation to the tenancy of a dwelling during the emergency period.

(b) A tenant who, but for the operation of subsection (1), would not acquire any rights under Part 4 of the Act of 2004 shall not, by virtue of such operation, acquire such rights.

(2) (a) Subject to paragraph (b), where a notice of termination (that cites as a reason for the termination concerned the ground specified in paragraph 1 of the Table to section 34 of the Act of 2004) served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

(b) If a dispute or complaint in respect of a matter that occasioned the giving of a notice to which paragraph (a) applies is referred to the Board in accordance with section 78 of the Act of 2004, that paragraph shall cease to have effect in relation to that notice—

(i) upon the expiration of 10 days from the making of a determination by an adjudicator under subsection (4) of section 97 of the Act of 2004 in relation to the dispute or complaint concerned save where an appeal from that determination is brought before the Tribunal, or

(ii) upon the making of a determination by the Tribunal under section 108 (other than a decision referred to in subsection (2) of that section) of the Act of 2004 in respect of such an appeal.

(3) Where a notice of termination (other than a notice of termination to which subsection (1) applies) referred to in section 34 of the Act of 2004 served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

(4) (a) Where a notice of termination in respect of a tenancy of a dwelling of less than 6 months duration served before the emergency period specifies a termination date that falls during or after the emergency period, the termination date under that notice shall be deemed to be the revised termination date.

(b) A tenant shall not, by virtue of the operation of this subsection, acquire any rights under Part 4 of the Act of 2004.

(5) Section 67 of the Act of 2004 shall have effect during the emergency period as if, in subsection (3), “28 days” were substituted for “14 days”.

(6) In this section “revised termination date” means, in the case of a notice of termination served before the emergency period, the date immediately following the expiration of a period that consists of the aggregate of—

(a) the period of notice that remains unexpired on the commencement of the emergency period, and

(b) the emergency period.

(7) (a) Notwithstanding any of the provisions in this section, all proposed evictions in all tenancies in the State, including those not covered by the Act of 2004, are prohibited during the operation of the Emergency Measures in the Public Interest (Covid-19) Act 2020.

(b) For the avoidance of doubt, this section applies to all Local Authority and Approved Housing body dwellings.

(c) For the avoidance of doubt, all Travellers who are currently resident in any location should not during this crisis be evicted from that location except where movement is required to ameliorate hardship and provide protection and subject to consultation with the Travellers involved.

Prohibition on rent increases under Act of 2004

6. Notwithstanding the Act of 2004, an increase in the rent under the tenancy of a dwelling—

(a) that, but for this section, would take effect during the emergency period shall not take effect during that period, and

(b) shall not be payable in respect of any period falling during the emergency period.

Proceedings before Tenancy Tribunal

7. Subsection (1) of section 106 of the Act of 2004 shall not have effect during the emergency period.

Entitlement to remain in occupation of dwelling during emergency period

8. (1) A tenant—

(a) upon whom a notice of termination was served in accordance with the Act of 2004 before the commencement of the emergency period, and

(b) who has remained in occupation of the dwelling to which the notice relates from the expiration of the required period of notice (whether or not with the consent of the landlord concerned) until the date of the commencement of the emergency period,

shall be entitled to remain in occupation of the dwelling until the expiration of the emergency period subject to terms and conditions that shall be the same as the terms and conditions that applied in respect of the tenancy of the dwelling concerned immediately before the service of that notice, unless—

(i) the tenant is required to vacate the dwelling in accordance with a determination of an adjudicator under subsection (4) of section 97 of the Act of 2004, or

(ii) where an appeal from that determination is brought, the tenant is required to vacate the dwelling in accordance with a determination of the Tribunal under section 108 of that Act.

(2) A person shall not, by virtue of the operation of this section, acquire any rights under Part 4 of the Act of 2004.

PART 3

Calculation of Time Limits Relating to Planning and Development

Calculation of time limits during emergency

9. The Planning and Development Act 2000 is amended by the insertion of the following section after section 251:

“251A. (1) Where calculating any appropriate period, specified period or other time limit referred to in the following Acts or provisions, or in any regulations made under those Acts or provisions, the period referred to in subsection (2) shall be disregarded:

(a) sections 4(4), 6 and 17(6) of the Building Control Act 1990 ;

(b) the Derelict Sites Act 1990 ;

(c) this Act;

(d) Part 2 of the Urban Regeneration and Housing Act 2015 ;

(e) Chapter 1 of Part 2 of the Planning and Development (Housing) and Residential Tenancies Act 2016 .

(2) The period to be disregarded under subsection (1) is the period beginning on the date section 9 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 comes into operation and, subject to subsection (6), ending on the date that shall be specified by order under subsection (3) or that may be specified by order under subsection (4).

(3) Immediately following the coming into operation of section 9 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 the Government shall, at the request of the Minister made after consultation with the Minister for Health and with the consent of the Minister for Public Expenditure and Reform, by order specify the date on which the period to be disregarded under subsection (1) shall end.

(4) The Government, at the request of the Minister made after consultation with the Minister for Health and with the consent of the Minister for Public Expenditure and Reform, may by order—

(a) before the expiration of the period specified in the order under subsection (3), specify a date later than the date specified in that order on which the period to be disregarded under subsection (1) shall end, and

(b) thereafter, from time to time, but before the expiration of the period specified in the order made under paragraph (a), or where an order has been previously made under this paragraph, before the expiration of the period specified in the last order so made, specify a date later than the date specified in that order, on which the period to be disregarded under subsection (1) shall end.

(5) The Government, in deciding the date that shall be specified by order under subsection (3), or that may be specified by order under subsection (4), shall have regard to—

(a) the nature and potential impact of Covid-19 on individuals, society and the State,

(b) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19,

(c) the policies and objectives of the Government to protect the health and welfare of members of the public,

- (d) the need to mitigate the economic effects of the spread of Covid-19,
 - (e) the need to ensure the effective operation of the planning system and provide, in the interest of the common good, for proper planning and sustainable development,
 - (f) the need to ensure the effective operation of the building control system and to protect the health, safety and welfare of persons using buildings, and
 - (g) the need to mitigate the likely impact of Covid-19 on the availability of the resources of the State to perform functions relating to the planning and building control systems.
- (6) The date that shall be specified by order under subsection (3), or that may be specified by order under subsection (4), as the date on which the period to be disregarded under subsection (1) shall end, shall be a date not later than the 9th day of November 2020.
- (7) In this section ‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations.”.

PART 4

Amendments to Certain Acts Regulating Health and Social Care Professions

Special measures registration having regard to Covid-19

10.The Dentists Act 1985 is amended by the insertion of the following section after section 68:

“69. (1) A previous registrant may make an application to the Council to be registered in the register pursuant to this section.

(2) Subject to subsections (3) to (8), the provisions of this Act shall, with all necessary modifications, apply to—

(a) a section 69 registration as they apply to registration in the register effected by another section of this Act, and

(b) a section 69 registrant as they apply to a registered dentist who is not a section 69 registrant.

(3) No fee (including a retention fee) shall be charged for, or relating to, a section 69 application or a section 69 registration.

(4) Where a previous registrant’s name is entered in the register pursuant to a section 69 registration, the Council shall enter in the register, or cause to be entered in the register, the term ‘(section 69 registration)’ immediately after that name to indicate that his or her registration arises from the operation of this section.

(5) (a) Nothing in this section shall be construed to prevent a previous registrant’s name from being entered in the register pursuant to the operation of another section of this Act, whether or not his or her name is already entered in the register pursuant to a section 69 registration.

(b) Where a previous registrant’s name is entered in the register pursuant to the operation of this Act (other than this section) when his or her name is already entered in

the register pursuant to a section 69 registration, the Council shall remove from the register, or cause to be removed from the register, the latter entry at the same time as the first-mentioned entry is made.

(c) The refusal of a section 69 registration for a previous registrant shall not prevent that registrant from making an application under another section of this Act to be registered in the register.

(6) (a) Subject to paragraph (b), a section 69 registrant who has not practised dentistry in the State or elsewhere for 2 years or more immediately before he or she became such registrant shall not practise dentistry.

(b) Paragraph (a) shall not apply to a person who ceases to be a section 69 registrant by virtue of the operation of subsection (5)(b).

(7) (a) Subject to subsection (8), each section 69 registration that is still in force on the 31st day of July 2020, shall, on and after that date, cease to have effect.

(b) The Council shall remove from the register, or cause to be removed from the register, on the date referred to in paragraph (a), or as soon as is practicable thereafter, each name that was entered in the register pursuant to a section 69 registration.

(8) (a) The Minister may, by order, specify a different date for the purposes of subsection (7) (including a different date for a previous different date specified in an order made under this paragraph) and, if the Minister so specifies, that subsection shall be construed, with all necessary modifications, to take account of that first-mentioned date.

(b) Section 63(2) shall, with all necessary modifications, apply to an order made under paragraph (a) as that section applies to a regulation made under this Act.

(9) In this section—

‘previous registrant’ means a former registered dentist whose name was removed from the register pursuant to section 32(1);

‘section 69 application’ means an application under subsection (1);

‘section 69 registrant’ means a registered dentist who is such pursuant to—

(a) the Council’s determination of a section 69 application, or

(b) a decision (howsoever called) of the High Court arising from the Council’s determination of a section 69 application;

‘section 69 registration’ means a registration effected in the register pursuant to—

(a) the Council’s determination of a section 69 application, or

(b) a decision (howsoever called) of the High Court arising from the Council’s determination of a section 69 application.”.

Special measures registration having regard to Covid-19

11. The Health and Social Care Professionals Act 2005 is amended by the insertion of the following section after section 97:

“98. (1) (a) A previous registrant of a designated profession (in this section referred to as the ‘relevant designated profession’) may make an application to the registration board of that profession (in this section referred to as the ‘relevant board’) to again become a member of that profession.

(b) The section 98 application must be in the form and contain the information required by the chief executive officer.

(2) Subject to subsections (3) to (7), the provisions of this Act shall, with all necessary modifications, apply to—

(a) a section 98 registration as they apply to registration in the relevant designated profession effected by another section of this Act, and

(b) a section 98 registrant as they apply to a registrant in the relevant designated profession who is not a section 98 registrant.

(3) No fee shall be charged for, or relating to—

(a) a section 98 application, or

(b) a section 98 registration or the retention of such registration.

(4) Where a previous registrant’s name is entered in the register for the relevant designated profession pursuant to a section 98 registration, the chief executive officer shall enter in that register, or cause to be entered in that register, the term ‘(section 98 registration)’ immediately after that name to indicate that his or her registration in that register arises from the operation of this section.

(5) (a) Nothing in this section shall be construed to prevent a previous registrant’s name from being entered in the register for the relevant designated profession pursuant to the operation of another section of this Act, whether or not his or her name is already entered in that register pursuant to a section 98 registration.

(b) Where a previous registrant’s name is entered in the register for the relevant designated profession pursuant to the operation of this Act (other than this section) when his or her name is already entered in that register pursuant to a section 98 registration, the chief executive officer shall remove from that register, or cause to be removed from that register, the latter entry at the same time as the first-mentioned entry is made.

(c) The refusal of a section 98 registration for a previous registrant shall not prevent that registrant from making an application under another section of this Act to be registered in the register for the relevant designated profession.

(6) (a) Subject to subsection (7), each section 98 registration that is still in force on the 31st day of July 2020, shall, on and after that date, cease to have effect.

(b) The chief executive officer shall remove from the register for the relevant designated profession, or cause to be removed from that register, on the date referred to in paragraph (a), or as soon as is practicable thereafter, each name that was entered in that register pursuant to a section 98 registration.

(7) (a) The Minister may, by order, specify a different date for the purposes of subsection (6) (including a different date for a previous different date specified in an order made

under this paragraph) and, if the Minister so specifies, that subsection shall be construed, with all necessary modifications, to take account of that first-mentioned date.

(b) Section 95(4) to (6) shall, with all necessary modifications, apply to an order made under paragraph (a) as that section applies to a regulation made under a provision of this Act.

(8) In this section—

‘previous registrant’ means a former registrant whose name was removed from the register for the relevant designated profession pursuant to section 39(1) or 40(1);

‘section 98 application’ means an application under subsection (1);

‘section 98 registrant’ means a registrant who is such pursuant to—

(a) the chief executive officer’s determination of a section 98 application, or

(b) a decision (howsoever called) of the Court arising from the chief executive officer’s determination of a section 98 application;

‘section 98 registration’ means a registration effected in the register for the relevant designated profession pursuant to—

(a) the chief executive officer’s determination of a section 98 application, or

(b) a decision (howsoever called) of the Court arising from the chief executive officer’s determination of a section 98 application.”.

Special measures registration having regard to Covid-19

12. The Pharmacy Act 2007 is amended by the insertion of the following section after section 76:

“77. (1) A previous registrant may make an application to the Council to be registered in the register pursuant to this section.

(2) Subject to subsections (3) to (7), the provisions of this Act shall, with all necessary modifications, apply to—

(a) a section 77 registration as they apply to a registration in the register effected by another section of this Act, and

(b) a section 77 registrant as they apply to a person registered in the register who is not a section 77 registrant.

(3) No fee shall be charged for, or relating to—

(a) a section 77 application, or

(b) a section 77 registration or the retention of such registration.

(4) Where a previous registrant’s name is entered in the register pursuant to a section 77 registration, the Council shall enter in the register, or cause to be entered in the register, the term ‘(section 77 registration)’ immediately after that name to indicate that his or her registration in the register arises from the operation of this section.

(5) (a) Nothing in this section shall be construed to prevent a previous registrant's name from being entered in the register pursuant to the operation of another section of this Act, whether or not his or her name is already entered in the register pursuant to a section 77 registration.

(b) Where a previous registrant's name is entered in the register pursuant to the operation of this Act (other than this section) when his or her name is already entered in the register pursuant to a section 77 registration, the Council shall cancel from the register, or cause to be cancelled from the register, the latter entry at the same time as the first-mentioned entry is made.

(c) The refusal of a section 77 registration for a previous registrant shall not prevent that registrant from making an application under another section of this Act to be registered in the register.

(6) (a) Subject to subsection (7), each section 77 registration that is still in force on the 31st day of July 2020, shall, on and after that date, cease to have effect.

(b) The Council shall cancel from the register, or cause to be cancelled from the register, on the date referred to in paragraph (a), or as soon as is practicable thereafter, each name that was entered in the register pursuant to a section 77 registration.

(7) (a) The Minister may, by order, specify a different date for the purposes of subsection (6) (including a different date for a previous different date specified in an order made under this paragraph) and, if the Minister so specifies, that subsection shall be construed, with all necessary modifications, to take account of that first-mentioned date.

(b) Section 76(1) and (2) shall, with all necessary modifications, apply to an order made under paragraph (a) as that section applies to regulations referred to in that section.

(8) In this section—

‘previous registrant’ means a former registered pharmacist or registered pharmaceutical assistant, as appropriate, who was previously registered in the register and who was cancelled from the register pursuant to section 59 or 60;

‘section 77 application’ means an application under subsection (1);

‘section 77 registrant’ means a person registered in the register pursuant to—

(a) the Council's determination of a section 77 application, or

(b) a decision (howsoever called) of the High Court arising from the Council's determination of a section 77 application;

‘section 77 registration’ means a registration effected in the register pursuant to—

(a) the Council's determination of a section 77 application, or

(b) a decision (howsoever called) of the High Court arising from the Council's determination of a section 77 application.”.

Amendment of Medical Practitioners Act 2007 - insertion of sections 110 and 111

13. The Medical Practitioners Act 2007 is amended by the insertion of the following sections after section 109:

“Special measures registration having regard to Covid-19

110. (1) A previous registrant may make an application to the Council to be registered pursuant to this section.

(2) Subject to subsections (3) to (7), the provisions of this Act shall, with all necessary modifications, apply to—

(a) a section 110 registration as they apply to a registration in the register effected by another section of this Act, and

(b) a section 110 registrant as they apply to a registered medical practitioner who is not a section 110 registrant.

(3) No fee shall be charged for, or relating to—

(a) a section 110 application, or

(b) a section 110 registration or the retention of such registration.

(4) Where a previous registrant’s name is entered in the register pursuant to a section 110 registration, the Council shall enter in the register, or cause to be entered in the register, the term ‘(section 110 registration)’ immediately after that name to indicate that his or her registration arises from the operation of this section.

(5) (a) Nothing in this section shall be construed to prevent a previous registrant’s name from being entered in the register pursuant to the operation of another section of this Act, whether or not his or her name is already entered in the register pursuant to a section 110 registration.

(b) Where a previous registrant’s name is entered in the register pursuant to the operation of this Act (other than this section) when his or her name is already entered in the register pursuant to a section 110 registration, the Council shall remove from the register, or cause to be removed from the register, the latter entry at the same time as the first-mentioned entry is made.

(c) The refusal of a section 110 registration for a previous registrant shall not prevent that registrant from making an application under another section of this Act to be registered.

(6) (a) Subject to subsection (7), each section 110 registration that is still in force on the 31st day of July 2020, shall, on and after that date, cease to have effect.

(b) The Council shall remove from the register, or cause to be removed from the register, on the date referred to in paragraph (a), or as soon as is practicable thereafter, each name that was entered in the register pursuant to a section 110 registration.

(7) (a) The Minister may, by order, specify a different date for the purposes of subsection (6) (including a different date for a previous different date specified in an order made under this paragraph) and, if the Minister so specifies, that subsection and section 111(2) shall be construed, with all necessary modifications, to take account of that first-mentioned date.

(b) Section 8(2) shall, with all necessary modifications, apply to an order made under paragraph (a) as that section applies to an order made under section 8.

(8) In this section—

‘previous registrant’ means a former registered medical practitioner whose name was removed from the register;

‘section 110 application’ means an application under subsection (1);

‘section 110 registrant’ means a registered medical practitioner who is such pursuant to—

(a) the Council’s determination of a section 110 application, or

(b) a decision (howsoever called) of the Court arising from the Council’s determination of a section 110 application;

‘section 110 registration’ means a registration effected pursuant to—

(a) the Council’s determination of a section 110 application, or

(b) a decision (howsoever called) of the Court arising from the Council’s determination of a section 110 application.

Modification of operation of section 105(1)(a)

111. (1) Subject to subsection (2), a relevant individual is not, for the purposes of section 105(1)(a), practising medicine in contravention of a provision of this Act if he or she is acting—

(a) under the direction and control of a registered medical practitioner, or

(b) in accordance with a direction in writing given by a registered medical practitioner to that relevant individual.

(2) This section shall cease to have effect on the date on which a section 110 registration (within the meaning of section 110(8)) ceases to have effect pursuant to section 110(6).

(3) In this section, ‘relevant individual’ means—

(a) a dentist registered under the Dentists Act 1985 ,

(b) a person registered under the Health and Social Care Professionals Act 2005 to practise a profession designated under that Act,

(c) a pharmacist or a pharmaceutical assistant registered under the Pharmacy Act 2007 ,

(d) a nurse or midwife registered under the Nurses and Midwives Act 2011 , or

(e) a person registered in the register under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).”.

Special measures registration having regard to Covid-19

14. The Nurses and Midwives Act 2011 is amended by the insertion of the following section after section 107:

“108. (1) A previous registrant may make an application to the Board to be registered in the register of nurses and midwives pursuant to this section.

(2) Subject to subsections (3) to (7), the provisions of this Act shall, with all necessary modifications, apply to—

(a) a section 108 registration as they apply to a registration in the register of nurses and midwives effected by another section of this Act, and

(b) a section 108 registrant as they apply to a registered nurse or registered midwife, as appropriate, who is not a section 108 registrant.

(3) No fee shall be charged for, or relating to—

(a) a section 108 application, or

(b) a section 108 registration or the retention of such registration.

(4) Where a previous registrant's name is entered in the register of nurses and midwives pursuant to a section 108 registration, the Board shall enter in that register, or cause to be entered in that register, the term '(section 108 registration)' immediately after the name to indicate that his or her registration arises from the operation of this section.

(5) (a) Nothing in this section shall be construed to prevent a previous registrant's name from being entered in the register of nurses and midwives pursuant to the operation of another section of this Act, whether or not his or her name is already entered in that register pursuant to a section 108 registration.

(b) Where a previous registrant's name is entered in the register of nurses and midwives pursuant to the operation of this Act (other than this section) when his or her name is already entered in that register pursuant to a section 108 registration, the Board shall remove from that register, or cause to be removed from that register, the latter entry at the same time as the first-mentioned entry is made.

(c) The refusal of a section 108 registration for a previous registrant shall not prevent that registrant from making an application under another section of this Act to be registered in the register of nurses and midwives.

(6) (a) Subject to subsection (7), each section 108 registration that is still in force on the 31st day of July 2020, shall, on and after that date, cease to have effect.

(b) The Board shall remove from the register of nurses and midwives, or cause to be removed from that register, on the date referred to in paragraph (a), or as soon as is practicable thereafter, each name that was entered in that register pursuant to a section 108 registration.

(7) (a) The Minister may, by order, specify a different date for the purposes of subsection (6) (including a different date for a previous different date specified in an order made under this paragraph), and if the Minister so specifies, that subsection shall be construed, with all necessary modifications, to take account of that first-mentioned date.

(b) Section 3(3) shall, with all necessary modifications, apply to an order made under paragraph (a) as that section applies to a regulation made under this Act.

(8) In this section—

‘previous registrant’ means a former registered nurse or former registered midwife, as appropriate, whose name was removed from the register of nurses and midwives pursuant to section 50 or 77;

‘section 108 application’ means an application under subsection (1);

‘section 108 registrant’ means a registered nurse or registered midwife, as appropriate, who is such pursuant to—

(a) the Board’s determination of a section 108 application, or

(b) a decision (howsoever called) of the Court arising from the Board’s determination of a section 108 application;

‘section 108 registration’ means registration in the register of nurses and midwives pursuant to—

(a) the Board’s determination of a section 108 application, or

(b) a decision (howsoever called) of the Court arising from the Board’s determination of a section 108 application.”.

PART 5

Amendments to Mental Health Act 2001

Definition (Part 5)

15. In this Part, “Act of 2001” means the Mental Health Act 2001 .

Exigencies of public health emergency

16. The Act of 2001 is amended by the insertion of the following section after section 2:

“2A. (1) A reference in this Act to the exigencies of the public health emergency is a reference to the exigencies of the public health emergency posed by the spread of Covid-19 and, in particular, to:

(a) the manifest and grave risk to human life and public health posed by the spread of Covid-19;

(b) the necessity, for compelling reasons of public interest and for the common good, for measures and safeguards to prevent, minimise or limit the risk of persons being infected with Covid-19;

(c) the effect, on the availability of consultant psychiatrists and other persons to perform functions under this Act, of the spread of Covid-19 and of the deployment of the resources of the health services in order to—

(i) prevent, minimise or limit the risk of persons being infected with Covid-19,

(ii) test persons for Covid-19, and

(iii) provide care and treatment to persons infected with Covid-19.

(2) In this section, ‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the

Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations.”.

Amendment of section 17 of Act of 2001

17. Section 17 of the Act of 2001 is amended—

(a) in subsection (1) —

(i) by the substitution of the following paragraph for paragraph (c):

“(c) direct in writing a member of the panel of consultant psychiatrists established under section 33(3)(b) or a consultant psychiatrist, other than the consultant psychiatrist responsible for the care and treatment of the patient concerned, to—

(i) subject to subsection (6), examine the patient concerned,

(ii) interview the consultant psychiatrist responsible for the care and treatment of the patient, and

(iii) review the records relating to the patient,

in order to determine in the interest of the patient whether the patient is suffering from a mental disorder and to give a report in writing within 14 days on the results of the examination, interview and review to the tribunal to which the matter has been referred and to give a copy of the report to the legal representative of the patient,”,

and

(ii) by the insertion of the following paragraph after paragraph (c):

“(d) direct in writing the consultant psychiatrist responsible for the care and treatment of the patient concerned to give a report in writing to the tribunal to which the matter has been referred no earlier than the day before the date of the relevant sitting of the tribunal on his or her opinion as to whether the patient continues to suffer from a mental disorder and to give a copy of the report to the legal representative of the patient.”,

(b) by the substitution of the following subsection for subsection (3):

“(3) If the consultant psychiatrist to whom a direction has been given under subsection (1)(c) is unable to comply with the direction, he or she shall so notify the Commission in writing and the Commission shall give a direction under subsection (1)(c) to another member of the panel of consultant psychiatrists or another consultant psychiatrist other than the consultant psychiatrist responsible for the care and treatment of the patient concerned.”,

and

(c) by the insertion of the following subsections after subsection (4):

“(5) It shall be a defence for a person who is charged with an offence under subsection (4) of failing to co-operate with a consultant psychiatrist in the performance of his or her functions under this section to prove that the failure was attributable to the exigencies of the public health emergency.

(6) In the event that a consultant psychiatrist concerned is unable, due to the exigencies of the public health emergency, to carry out an examination, whether in person or by other appropriate means, under subsection (1)(c)(i), he or she shall set out the particular reasons for being unable to do so in his or her report to the tribunal under that subsection.”.

Amendment of section 18 of Act of 2001

18. Section 18 of the Act of 2001 is amended—

(a) in subsection (3), by the substitution of “reports under section 17(1)(c) and (d)” for “report under section 17(1)(c)”,

(b) by the insertion of the following subsections after subsection (3):

“(3A) Subject to subsection (3B), where section 48(3A) applies, the tribunal concerned shall consult with a consultant psychiatrist, other than the consultant psychiatrists who prepared the reports under section 17(1)(c) and (d), for the purpose of making a decision under subsection (1) where—

(a) the opinions expressed in the reports under section 17(1)(c) and (d) as to whether the patient is suffering from a mental disorder differ, or

(b) it otherwise considers that it is necessary in the interest of the patient to do so.

(3B) Subsection (3A) shall not apply where the tribunal is unable, due to the exigencies of the public health emergency, to consult in accordance with that subsection.”,

and

(c) by the substitution of the following subsection for subsection (4):

“(4) The period referred to in subsection (2) may be extended by order by the tribunal concerned (either of its own motion or at the request of the patient concerned) for a further period of 14 days and thereafter may be further extended by it by order for a period of 14 days—

(a) on the application of the patient if the tribunal is satisfied that it is in the interest of the patient, or

(b) of its own motion if the tribunal, having due regard to the interest of the patient, is satisfied that it is necessary due to the exigencies of the public health emergency,

and the relevant admission order, or as the case may be, renewal order shall continue in force until the date of the expiration of the order made under this subsection.”.

Amendment of section 28 of Act of 2001

19. Section 28 of the Act of 2001 is amended—

(a) in subsection (3)(b), by the substitution of “entitled, subject to subsection (6),” for “entitled”,

(b) in subsection (5), by the substitution of “sections 17 to 19 shall, subject to subsection (6),” for “sections 17 to 19 shall”, and

(c) by the insertion of the following subsection after subsection (5):

“(6) In the case of a review to which subsection (5) applies—

(a) subsections (2) and (4) of section 18 shall not apply, and

(b) a decision under section 18(1) shall be made as soon as is reasonably practicable having regard to—

(i) the exigencies of the public health emergency, and

(ii) the need for the tribunal to afford priority to reviews relating to patients who are being detained pursuant to an admission order or a renewal order.”.

Amendment of section 48 of Act of 2001

20. Section 48 of the Act of 2001 is amended by the insertion of the following subsections after subsection (3):

“(3A) Notwithstanding subsections (2) and (3), where it appears to the Commission that, due to the exigencies of the public health emergency, a tribunal cannot be appointed in accordance with those subsections, it may appoint a tribunal consisting of one member who shall be a practising barrister or solicitor who has had not less than 7 years’ experience as a practising barrister or solicitor ending immediately before such appointment.

(3B) Where subsection (3A) applies—

(a) subsection (4) shall not have effect, and

(b) the reference in subsection (8) to each member of the tribunal shall be construed as a reference to the member of the tribunal.”.

Amendment of section 49 of Act of 2001

21. Section 49 of the Act of 2001 is amended—

(a) in subsection (2), by the insertion of the following paragraph after paragraph (c):

“(ca) direct in writing any person, whose attendance before the tribunal would, but for the exigencies of the public health emergency, be ordinarily required, to provide a written statement to the tribunal on such matters as may be specified in the direction,”,

(b) in subsection (4)(c), by the substitution of “paragraph (ca), (d) or (e) ” for “paragraph (c), (d) or (e) ”,

(c) in subsection (6) —

(i) by the substitution, in paragraph (a), of “date and time” for “date, time and place”, and

(ii) by the substitution of the following paragraph for paragraph (c):

“(c) enabling the patient the subject of the review to present his or her case to the tribunal by way of representations in writing made by the patient or his or her legal representative,”,

and

(d) by the insertion of the following subsection after subsection (11):

“(12) Where section 48(3A) applies, the Commission shall, on the request of the tribunal, appoint a consultant psychiatrist with whom the tribunal may, on the date on which the tribunal is sitting and for the purposes of the review concerned, consult.”.

Amendment of section 58 of Act of 2001

22. The Act of 2001 is amended by the substitution of the following section for section 58:

“58. (1) Psycho-surgery shall not be performed on a patient.

(2) In this section ‘psycho-surgery’ means any surgical operation that destroys brain tissue or the functioning of brain tissue and which is performed for the purposes of ameliorating a mental disorder.”.

Certain provisions of Act of 2001 not to have effect

23. For so long as the amendments and other modifications effected by this Part are in operation, the following provisions of the Act of 2001 shall not have effect:

(a) section 17(2);

(b) subsections (2)(a), (b) and (c), (3), (4)(a) and (b), (6)(f), (g), (h) and (i) and (11) of section 49.

Transitional provisions

24. Where, before the date on which this Part comes into operation, a tribunal appointed under section 48 of the Act of 2001 held a sitting under section 49 of that Act for the purpose of a review by it under the Act and, by that date, the tribunal has not made its decision under section 18(1) of the Act in relation to the review, section 49 of the Act shall apply to any further sittings of the tribunal for the purposes of the review as if the amendments to and modifications of that section effected by this Part had not come into operation.

PART 6

Amendment to Defence Act 1954: Re-enlistment of Formerly Enlisted Persons

Interpretation

25. In this Part, “Act of 1954” means the Defence Act 1954, as amended, extended and continued by subsequent enactments.

Amendment of Defence Act 1954: re-enlistment of formerly enlisted persons

26. The Defence Act 1954 is amended—

(a) in section 19(b), by the substitution of “section 53, 53A or 54” for “section 53 or 54”,

(b) by the insertion of the following section after section 53:

“Re-enlistment of formerly enlisted persons

53A. (1) A person who was formerly enlisted in the Permanent Defence Force—

(a) who has served the full term of his or her original enlistment in accordance with section 53 (and, if applicable, any periods of service authorised under section 64 or 65), or

(b) who was discharged in accordance with section 75,

may, subject to subsection (2), be re-enlisted as an enlisted person of the Permanent Defence Force for a specified period as determined by the Minister.

(2) A person may only be re-enlisted under subsection (1) where the Minister determines that this course of action will address a deficiency, within the Defence Forces, of necessary skills or expertise which, in his or her opinion, cannot be met through the use of existing personnel resources.

(3) A person re-enlisted under subsection (1) may have that period of service extended for such further term as the Minister may determine, having regard to any deficiency within the Defence Forces of necessary skills or expertise which, in his or her opinion, cannot be met through the use of the then existing personnel resources.

(4) Sections 53, 63, 64, 65 and 70 shall not apply to a person re-enlisted under this section.”,

(c) in section 58(1), by the substitution of “section 53 or 53A” for “section 53”, and

(d) in section 69, by the substitution of “section 53 or 53A” for “section 53”.

Provisions governing return of reservists to employment

27 (1) Where a member of the Reserve Defence Force as defined in the Act of 1954 (in this section referred to as the “reservist”) is called out on permanent service or in aid to the civil power, under the provisions of the Act of 1954, and such reservist was, at the time he or she was so called out, employed by another person (in this section referred to as the “former employer”) the following provisions shall apply:

(a) on the expiry of the period during which the reservist was absent from work while called out on such permanent service or in aid to the civil power, the reservist shall be entitled to return to work as soon as reasonably practicable—

(i) with the employer with whom he or she was working immediately before the start of that period or, where during the reservist’s absence from work there was a change of ownership of the undertaking in which he or she was employed immediately before her or his absence, with the owner (in this section referred to as the “successor”) of the undertaking at the expiry of the period of the absence,

(ii) in the job which the reservist held immediately before the start of that period, and

(iii) under the contract of employment under which the reservist was employed immediately before the start of that period, or, where a change of ownership such as is referred to in subparagraph (i) has occurred, under a contract of employment with the successor which is identical to the contract under which the reservist was employed immediately before the start of that period and (in either case) under terms and conditions—

(l) not less favourable than those that would have been applicable to the reservist, and

(11) that incorporate any improvement to the terms or conditions of employment to which the reservist would have been entitled,

if he or she had not been so absent from work.

(2) Where a reservist is entitled to return to work in accordance with subsection (1) but it is not reasonably practicable for the employer or the successor to permit the reservist to return to work in accordance with that subsection, the reservist shall, subject to provisions of this section, be entitled to be offered by the employer, the successor or an associated employer suitable alternative work under a new contract of employment.

(3) Work under a new contract of employment constitutes suitable alternative work for the purposes of this section if—

(a) the work required to be done under the contract is of a kind which is suitable in relation to the reservist concerned and appropriate for the reservist to do in the circumstances, and

(b) the terms or conditions of the contract—

(i) relating to the place where the work under it is required to be done, the capacity in which the reservist concerned is to be employed and any other terms or conditions of employment are not less favourable to the reservist than those of his or her contract of employment immediately before the start of the period of absence from work while on protective leave, and

(ii) incorporate any improvement to the terms or conditions of employment to which the reservist would have been entitled if he or she had not been so absent from work during that period.

(4) During a period of absence from work by a reservist who is called up on such permanent service or in aid to the civil power, the reservist shall be deemed to have been in employment of the employer or successor and, accordingly, while so absent, the reservist shall be treated as if he or she had not been so absent and such absence shall not affect any right, whether conferred by statute, contract or otherwise, and related to the reservist's employment.

(5) Entitlement to return to work in accordance with subsection (1) or to be offered suitable alternative work under subsection (2) shall be subject to a reservist who has been absent from work as a result of being called out on permanent service or in aid to the civil power having, as soon as reasonably practicable, notified in writing (or caused to be so notified) the employer or, where the reservist is aware of a change of ownership of the undertaking concerned, the successor of his or her intention to return to work and the date on which he or she expects to return to work.

(6) Where, because of an interruption or cessation of work at a reservist's place of employment, existing on the date specified in a notification under subsection (4) given by the reservist, it is unreasonable to expect the reservist to return to work on the date specified in the notification, the reservist may return to work instead when work resumes at the place of employment after the interruption or cessation, or as soon as reasonably practicable after such resumption.

PART 7

Covid-19: Temporary Wage Subsidy Provisions

Covid-19: temporary wage subsidy provisions

28. (1) In this section—

“Act” means the Taxes Consolidation Act 1997 ;

“applicable period” means the period commencing on 26 March 2020 and expiring on such day as the Minister determines and specifies in an order made by him or her under subsection (20);

“emoluments”, “employer” and “employee” have the same meanings as they have in Chapter 4 of Part 42 of the Act;

“gross pay” has the same meaning as it has in the Regulations;

“Minister” means the Minister for Finance;

“Regulations” means the Income Tax (Employments) Regulations 2018 (S.I. No. 345 of 2018);

“specified employee”, in relation to an employer, means an individual who was on the payroll of the employer as at 29 February 2020, and the following is the case, the employer—

(a) has submitted to the Revenue Commissioners a notification or notifications of the payment of emoluments to the employee in February 2020 in accordance with Regulation 10 of the Regulations, and

(b) has submitted the return required under section 985G of the Act for the month of February 2020 on or before the return date (within the meaning of section 983 of the Act) for that month;

“temporary wage subsidy” shall be construed in accordance with subsections (5) and (6).

(2) This section shall apply where—

(a) the business of an employer has been adversely affected by Covid-19 to a significant extent with the result that the employer is unable to pay to a specified employee the emoluments the employer would otherwise have normally paid to him or her,

(b) notwithstanding the existence of the circumstances referred to in paragraph (a), the employer has the firm intention of continuing to employ the specified employee (and to pay to him or her emoluments accordingly) and is making best efforts to pay to the employee some of the emoluments referred to in paragraph (a) during the applicable period, and

(c) the employer has satisfied the conditions specified in subsection (4).

(3) The business of an employer shall be treated as being adversely affected to the extent referred to in subsection (2)(a) where, in accordance with guidelines published by the Revenue Commissioners under subsection (19), the employer demonstrates to the satisfaction of the Revenue Commissioners that, by reason of Covid-19 and the disruption that is being caused thereby to commerce, there will occur in the period of 14 March

2020 to 30 June 2020 at least a 25 per cent reduction either in the turnover of the employer's business or in customer orders being received by the employer.

(4) The conditions referred to in subsection (2)(c) are—

(a) the employer has logged on to the online system of the Revenue Commissioners (in this section referred to as "ROS") in the MyEnquiries field using the tax reference number of the employer for the purposes of the operation of Chapter 4 of Part 42 of the Act and the Regulations,

(b) having read the declaration referred to in ROS as the "Covid-19: Temporary Wage Subsidy Scheme" declaration, the employer has submitted that declaration to the Revenue Commissioners through ROS, and

(c) the employer has provided details of the employer's bank account on ROS in the "Manage bank accounts" and "Manage EFT" fields.

(5) Where this section applies, then, following the notification by the employer of the payment of emoluments to a specified employee in the applicable period in accordance with Regulation 10 of the Regulations, the following provisions shall apply:

(a) the Revenue Commissioners shall pay to the employer in relation to the specified employee a sum (in this section referred to as a "temporary wage subsidy") of an amount determined in accordance with subsection (6),

(b) the payment referred to in paragraph (a) shall be made by way of bank transfer to the bank account of the employer, the details of which have been provided in accordance with subsection (4)(c),

(c) where, under paragraph (a), a payment is required to be made to the employer in respect of each of 2 or more specified employees by the Revenue Commissioners, the payments under paragraph (a) may be aggregated by the Revenue Commissioners for the purposes of compliance with paragraph (b),

(d) on the payment of the emoluments to the specified employee which are the subject of the notification first-mentioned in this subsection by the employer, the employer shall include in that payment an additional amount equivalent to the temporary wage subsidy in relation to the specified employee,

(e) notwithstanding any other provision of the Act, the additional amount paid by the employer to a specified employee in accordance with paragraph (d) shall not be regarded as emoluments of the specified employee for the purposes of Chapter 4 of Part 42 of the Act and the Regulations, but shall be treated as income chargeable to tax on the specified employee under Schedule E within the meaning of section 19 of the Act,

(f) the employer shall include, and separately identify, in the statement of wages and deductions from wages required to be given by the employer to the specified employee under section 4 of the Payment of Wages Act 1991, details of the additional amount paid by the employer to a specified employee in accordance with paragraph (d) and that additional amount shall be treated as part of the gross pay of the specified employee for the purpose of the Regulations,

(g) where paragraph (d) applies, the employer shall treat the specified employee concerned as falling within Class J9 of Pay Related Social Insurance for the purposes of the

employer's obligations under Chapter 4 of Part 42 of the Act and the Regulations to report matters specified in that Chapter or the Regulations,

(h) the operation of paragraph (g) shall not prejudice the specified employee's entitlement to benefits or assistance under the provisions of the Social Welfare Acts, but, where paragraph (d) applies in relation to a specified employee for any week, the specified employee shall not be entitled to any benefit or payment, related to Covid-19, from the Department of Employment Affairs and Social Protection for that week,

(i) notwithstanding any other provision of the Act, in computing the employer's liability to income tax or corporation tax, as the case may be, the employer shall not be entitled to a deduction in respect of any additional amount paid to a specified employee in accordance with paragraph (d), and

(j) the employer shall comply with any other direction of the Revenue Commissioners that, by virtue of this paragraph, they may reasonably give regarding the reporting of the payment by the employer of an additional amount paid to a specified employee in accordance with paragraph (d), being a direction that facilitates the effective administration of this section.

(6) (a) The amount of the temporary wage subsidy shall, subject to paragraphs (b) to (f), be determined by the Minister for Finance, with the consent of the Minister for Employment Affairs and Social Protection, given with the concurrence of the Minister for Public Expenditure and Reform.

(b) Different amounts of temporary wage subsidy may be determined under this subsection in relation to different classes of employee.

(c) In determining what is to be the amount of the temporary wage subsidy under this subsection, the Minister shall have regard to an amount being determined that, in the opinion of the Minister, would represent a significant contribution to making good the shortfall in the amount of emoluments that would otherwise have been payable, as mentioned in subsection (2)(a), to the specified employee concerned.

(d) In the case where the net weekly emoluments that would otherwise have been payable, as mentioned in subsection (2)(a), to the specified employee amount to not more than €586 per week, the amount of the temporary wage subsidy shall not exceed a weekly amount equivalent to 70 per cent of the net weekly emoluments that would otherwise have been so payable.

(e) In the case where the amount of the net weekly emoluments that would otherwise have been payable, as mentioned in subsection (2)(a), to the specified employee is in excess of €586 per week but not more than €960 per week, the amount of the temporary wage subsidy shall be that which is determined from time to time by the Minister for Finance, with the consent of the Minister for Employment Affairs and Social Protection, given with the concurrence of the Minister for Public Expenditure and Reform.

(f) A temporary wage subsidy shall not be paid to an employer in relation to a specified employee where the amount of the net weekly emoluments of that employee is in excess of €960 per week.

(7) Particulars of any determination under subsection (6) of the amount of a temporary wage subsidy shall be published on the website of the Revenue Commissioners.

(8) Notwithstanding any obligation imposed on the Revenue Commissioners under section 851A of the Act or any other enactment in relation to the confidentiality of taxpayer information (within the meaning of that section), the names and addresses of all employers to whom a temporary wage subsidy has been paid by the Revenue Commissioners shall be published on the website of the Revenue Commissioners.

(9) Where the Revenue Commissioners have paid to an employer a temporary wage subsidy in relation to a specified employee in accordance with subsection (5)(a) and it transpires that the employer has not paid to the specified employee an additional amount equivalent to the temporary wage subsidy in accordance with subsection (5)(d), or that the employer was not entitled to receive a temporary wage subsidy in respect of any individual, the temporary wage subsidy so paid to the employer shall be refunded by the employer to the Revenue Commissioners.

(10) An amount that is required to be refunded by an employer to the Revenue Commissioners in accordance with subsection (9) (in this section referred to as “relevant tax”) shall be treated as if it were income tax due and payable by the employer from the date the temporary wage subsidy referred to in that subsection had been paid by the Revenue Commissioners to the employer and shall be so due and payable without the making of an assessment.

(11) Notwithstanding subsection (10), where an officer of the Revenue Commissioners is satisfied there is an amount of relevant tax due to be paid by an employer which has not been paid, that officer may make an assessment on the employer to the best of the officer’s judgment, and any amount of relevant tax due under an assessment so made shall be due and payable from the date the temporary wage subsidy referred to in subsection (9) had been paid by the Revenue Commissioners to the employer.

(12) The provisions of the Income Tax Acts relating to—

(a) assessments to income tax,

(b) appeals against such assessments (including the rehearing of appeals and the statement of a case for the opinion of the High Court), and

(c) the collection and recovery of income tax,

shall, in so far as they are applicable, apply to the assessment, collection and recovery of relevant tax.

(13) Any amount of relevant tax payable in accordance with this section shall carry interest at the rate of 0.0219 per cent for each day or part of a day from the date when the amount is due and payable.

(14) Subsections (3) to (5) of section 1080 of the Act shall apply in relation to interest payable under subsection (13) as they apply in relation to interest payable under section 1080 of the Act.

(15) Where an employer fails to comply with the provisions of subsection (5)(f) in relation to a specified employee with respect to the giving to the employee of a statement of wages and deductions from wages under section 4 of the Payment of Wages Act 1991 ,

the employer shall be liable to a penalty as if that failure were a failure to comply with the Regulations, and the provisions of section 987 of the Act shall apply, with any necessary modifications, in relation to a penalty under this subsection as they apply in relation to a penalty for a failure to comply with the Regulations.

(16) A person shall, without prejudice to any other penalty to which the person may be liable, be guilty of an offence under this section if the person—

(a) knowingly or wilfully delivers any incorrect return or statement, or knowingly or wilfully furnishes any incorrect information, in connection with the operation of subsection (3) or the eligibility for a temporary wage subsidy in relation to any individual, or

(b) knowingly aids, abets, assists, incites or induces another person to make or deliver knowingly or wilfully any incorrect return or statement, or knowingly or wilfully furnish any incorrect information, in connection with the operation of subsection (3) or the eligibility for a temporary wage subsidy in relation to any individual,

and the provisions of subsections (3) to (10) of section 1078, and section 1079, of the Act shall, with any necessary modifications, apply for the purposes of this subsection as they apply for the purposes of offences in relation to tax within the meaning of section 1078 of the Act.

(17) Notwithstanding any obligation imposed on the Revenue Commissioners under section 851A of the Act or any other enactment in relation to the confidentiality of taxpayer information (within the meaning of that section) or any obligation imposed on the Minister for Employment Affairs and Social Protection under the Social Welfare Acts or any other enactment in relation to the confidentiality of information relating to employers and insured persons or other persons entitled to benefits or assistance under those Acts, information relevant to the effective operation of this section may be exchanged between the Minister for Employment Affairs and Social Protection and the Revenue Commissioners.

(18) The administration of this section shall be under the care and management of the Revenue Commissioners and section 849 of the Act shall apply for this purpose with any necessary modifications as it applies in relation to tax within the meaning of that section.

(19) The Revenue Commissioners shall prepare and publish guidelines with respect to the matters that are considered by them to be matters to which regard shall be had in determining whether a reduction, as referred to in subsection (3), will occur by reason of Covid-19 and the disruption that is being caused thereby to commerce.

(20) Whenever the Minister considers appropriate, the Minister shall determine a day, for the purposes of the definition of “applicable period” in subsection (1), to be the day as referred to in that definition, on which the period there referred to shall expire and the day so determined shall be specified in an order made by the Minister for the purposes of this subsection.

(21) This section shall be construed together with—

(a) in so far as it relates to income tax, the Income Tax Acts, and

(b) in so far as it relates to corporation tax, the Corporation Tax Acts.

(22) Paragraph (g), in so far as it relates to Pay Related Social Insurance, and paragraph (h) of subsection (5), shall be construed together with the Social Welfare Acts.

PART 8

Amendment to Redundancy Payments Act 1967

Operation of section 12 - emergency period

29. The Redundancy Payments Act 1967 is amended by the insertion of the following section after section 12:

“12A. (1) Section 12 shall not have effect during the emergency period in respect of an employee who has been laid off or kept on short-time due to the effects of measures required to be taken by his or her employer in order to comply with, or as a consequence of, Government policy to prevent, limit, minimise or slow the spread of infection of Covid-19.

(2) Before the expiration of the emergency period, the Government may, at the request of the Minister made—

(a) after consultation with the Minister for Health,

(b) with the consent of the Minister for Public Expenditure and Reform, and

(c) having had regard to the matters referred to in subsection (3),

by order specify a date that is later than the expiration date of the emergency period specified in the definition of ‘emergency period’ or the last order made under this subsection, as the case may be, and the emergency period shall be read as extending to, and including the date so specified.

(3) When making an order under subsection (2), the Government shall have regard to the following:

(a) the nature and potential impact of Covid-19 on individuals, society and the State;

(b) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19;

(c) the policies and objectives of the Government to protect the health and welfare of members of the public;

(d) the need to ensure the most beneficial, effective and efficient use of resources;

(e) the need to mitigate the economic effects of the spread of Covid-19;

(f) the need to ensure a continued attachment to the labour market for workers who have been temporarily laid off or put on short-time as a result of Covid-19;

(g) the need to protect the relationship between employee and employer during the emergency period;

(h) the need to mitigate the increased risk of insolvencies in the event of a substantial number of redundancies occurring over a short time period resulting in permanent job losses.

(4) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(5) In this section—

‘emergency period’ means the period beginning on 13 March 2020 and ending on 31 May 2020;

‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations.”.

PART 9

Amendments to Civil Registration Act 2004

Definition (Part 9)

30. In this Part, “Act of 2004” means the Civil Registration Act 2004 .

Performance of functions of registrar and Superintendent Registrar by staff of Ard-Chláraitheoir in certain exceptional circumstances

31. The Act of 2004 is amended by the insertion of the following section after section 8:

“8A. (1) A Superintendent Registrar of a registration area may make a request in writing to an tArd-Chláraitheoir (in this section referred to as a ‘request’) that an tArd-Chláraitheoir issue a direction (in this section referred to as a ‘direction’) that the relevant functions of registrars and Superintendent Registrars in the registration area to which the request relates are to be performed in accordance with this section.

(2) Where an tArd-Chláraitheoir receives a request under subsection (1), he or she shall issue a direction in relation to a registration area where he or she is satisfied that—

(a) it is appropriate to do so in the circumstances, and

(b) it is necessary to do so in order to prevent, limit, minimise or slow the spread of infection of Covid-19.

(3) Where an tArd-Chláraitheoir issues a direction in relation to a registration area—

(a) any relevant functions of a registrar or Superintendent Registrar of the registration area to which the direction relates shall be performed by such members of staff of an tArd-Chláraitheoir as an tArd-Chláraitheoir may specify, and

(b) a reference in a relevant provision—

(i) to a registrar or to a Superintendent Registrar shall be read as a reference to a member of staff of an tArd-Chláraitheoir specified under paragraph (a), and

(ii) to an tArd-Chláraitheoir shall, notwithstanding section 8(6), be read as a reference to an tArd-Chláraitheoir.

(4) A direction shall specify—

(a) the day on which it comes into effect, and

(b) the day on which it shall cease to have effect,

and, subject to subsection (5), the direction shall cease to have effect in relation to the registration area on the latter date.

(5) Notwithstanding the date on which a direction is specified to cease to have effect under subsection (4), a direction shall cease to have effect upon the earlier of—

(a) such date as may be specified by an tArd-Chláraitheoir in a written notice to the Superintendent Registrar of the registration area to which the direction relates, or

(b) the date on which this section ceases to be in operation in accordance with subsections (6) or (7), as the case may be.

(6) This section shall, subject to subsections (7) and (8), continue in operation until 31 May 2020.

(7) The Government—

(a) at the request of the Minister for Employment Affairs and Social Protection,

(b) after consultation with any other Minister of the Government as he or she considers appropriate having regard to the functions of that Minister of the Government, and

(c) having had regard to the matters referred to in subsection (9),

may, from time to time, by order declare that the period of time specified in subsection (6) shall continue in operation for such period or periods as may be specified in the order concerned.

(8) An order under subsection (7) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(9) When making an order under subsection (7), the Government shall have regard to the following:

(a) the nature and potential impact of Covid-19 on individuals, society and the State;

(b) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19;

(c) measures taken in order to comply with, or as a consequence of, Government policy;

(d) the need to ensure the most beneficial, effective and efficient use of resources;

(e) the need to ensure the continuity of a well-functioning registration service.

(10) In this section—

‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the

Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations;

‘relevant function’ means a function of a registrar or a Superintendent Registrar under a relevant provision;

‘relevant provision’ means Part 3 or Part 5.”.

Alleviation of requirement on certain persons to appear in person under Part 3 of Act of 2004

32. The Act of 2004 is amended by the insertion of the following section after section 19A:

“19B. (1) Notwithstanding any provision of this Part, a parent or a qualified informant who, within the emergency period, is required under this Part to—

- (a) attend in person before a registrar,
- (b) attend in person before a Superintendent Registrar, or
- (c) sign a register in the presence of any person,

shall be deemed to have done so where they have provided to the registrar, Superintendent Registrar or person in question such written particulars relating to that requirement as an tArd-Chláraitheoir may specify.

(2) Before the expiration of the emergency period, the Government may, at the request of the Minister made—

- (a) after consultation with any other Minister of the Government as he or she considers appropriate having regard to the functions of that Minister of the Government, and
- (b) having had regard to the matters referred to in subsection (4),

by order specify a date that is later than the expiration date of the emergency period specified in the definition of ‘emergency period’ or the last order under this subsection, as the case may be, and the emergency period shall be read as extending to, and including, the date so specified.

(3) An order under subsection (2) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(4) When making an order under subsection (2), the Government shall have regard to the following:

- (a) the nature and potential impact of Covid-19 on individuals, society and the State;
- (b) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19;
- (c) measures taken in order to comply with, or as a consequence of, Government policy;
- (d) the need to ensure the most beneficial, effective and efficient use of resources;

- (e) the need to ensure the continuity of a well-functioning registration service;
- (f) the need to ensure that persons do not have to attend in person to register a birth where it would not be safe or advisable in the interests of public health for them to do so.

(5) In this section—

‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations;

‘emergency period’ means the period beginning on 13 March 2020 and ending on 31 May 2020.”.

Alleviation of requirement on certain persons to appear in person under Part 5 of Act of 2004

33. The Act of 2004 is amended by the insertion of the following section after section 37:

“37A. (1) Notwithstanding any provision of this Part, a relative or a qualified informant who, within the emergency period, is required under this Part to—

- (a) attend in person before a registrar,
- (b) attend in person before a Superintendent Registrar, or
- (c) sign a register in the presence of any person,

shall be deemed to have done so where they have provided to the registrar, Superintendent Registrar or person in question such written particulars relating to that requirement as an tArd-Chláraitheoir may specify.

(2) Before the expiration of the emergency period, the Government may, at the request of the Minister made—

- (a) after consultation with any other Minister of the Government as he or she considers appropriate having regard to the functions of that Minister of the Government, and
- (b) having had regard to the matters referred to in subsection (4),

by order specify a date that is later than the expiration date of the emergency period specified in the definition of ‘emergency period’ or the last order under this subsection, as the case may be, and the emergency period shall be read as extending to, and including, the date so specified.

(3) An order under subsection (2) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(4) When making an order under subsection (2), the Government shall have regard to the following:

- (a) the nature and potential impact of Covid-19 on individuals, society and the State;

(b) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19;

(c) measures taken in order to comply with, or as a consequence of, Government policy;

(d) the need to ensure the most beneficial, effective and efficient use of resources;

(e) the need to ensure the continuity of a well-functioning registration service;

(f) the need to ensure that persons do not have to attend in person to register a death where it would not be safe or advisable in the interests of public health for them to do so.

(5) In this section—

‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations;

‘emergency period’ means the period beginning on 13 March 2020 and ending on 31 May 2020.”.



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