



An Bille um Threalamh Tarrthála Beatha, 2017
Life Saving Equipment Bill 2017

Meabhrán Mínitheach
Explanatory Memorandum



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LIFE SAVING EQUIPMENT BILL 2017

EXPLANATORY MEMORANDUM

Purpose of the Bill

This Bill seeks to introduce a new specific offence of interfering with life saving equipment such as defibrillators and lifebuoys. In order to act as a deterrent and to ensure that such life saving items are not vandalised, it is proposed to introduce a custodial sentence of up to 5 years for such an offence. A financial penalty is also provided for, of up to €50,000 for such an offence.

In Ireland approximately 13 people die every day from cardiac arrest and the overwhelming majority of those that die are busy going about their daily lives, out and about in communities all over Ireland. Having a readily accessible defibrillator, which can deliver an electric shock to the heart muscle through the chest wall in order to restore a normal heart rate, is a piece of life saving equipment. Over recent years there has been a very large number of automatic external defibrillators (AED) installed for maximum accessibility. The AED is a portable defibrillator designed to be automated such that it can be used by persons without substantial medical training who are responding to a cardiac emergency.

Unfortunately the theft of and destruction of defibrillators continues and along with the theft of lifebuoys, pose a significant threat to the health and welfare of the public.

This Bill is to act as a deterrent, to ensure that defibrillators and lifebuoys are there when they are actually needed to assist with life saving operations.

Section 1 - Definitions

This section gives the definitions of the terms used in the Bill.

Section 2 - Offence of interfering with life saving equipment

This section sets out the details of a new offence in relation to life saving equipment. It shall be an offence to interfere with, cause damage to, alter, remove or modify a defibrillator or an automatic external defibrillator (AED). The exception to this provision will still permit the performance of routine testing or maintenance.

In addition, it is permitted to remove a defibrillator or life buoy during an identifiable life saving or medical emergency which has been notified to the Emergency Services.

The section also names the categories of life saving equipment to which the Bill shall apply.

Section 3 - Financial and Custodial Penalties

The financial and custodial penalties under the Bill are set out for both summary conviction and conviction on indictment. The upper limits will not exceed €50,000, or imprisonment for a term not exceeding 5 years, or both.

Section 4 - Attachment orders

So as to ensure that any financial penalties imposed by the Courts are fully paid, or that they are linked to future earnings, the provisions of the Fines Payment and Recovery Act (2014) shall apply.

Section 5 - Short Title and commencement

This is a standard section providing the short title and commencement provisions for the Bill.

Senators Keith Swanick, Diamuid Wilson, Robbie Gallagher and Paul Daly, Iúil, 2017.