



An Bille um Adhaimsir (Forálacha Ilghnéitheacha), 2018
Extreme Weather (Miscellaneous Provisions) Bill 2018

Mar a tionscnaíodh

As initiated



**AN BILLE UM ADHAIMSIR (FORÁLACHA ILGHNÉITHEACHA), 2018
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ACTS REFERRED TO

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Criminal Justice (Public Order) Act 1994 (No. 2)

Criminal Justice (Public Order) Acts 1994 to 2014

Safety, Health and Welfare at Work Act 2005 (No. 10)

Safety, Health and Welfare at Work Acts 2005 to 2014



**AN BILLE UM ADHAIMSIR (FORÁLACHA ILGHNÉITHEACHA), 2018
EXTREME WEATHER (MISCELLANEOUS PROVISIONS) BILL 2018**

Bill

entitled

An Act to amend the Safety, Health and Welfare at Work Act 2005 to provide for the safety of employees during certain severe weather warnings issued by Met Éireann; to amend the Criminal Justice (Public Order) Act 1994 to provide for the protection of public safety and the safety of rescue service personnel during such a weather warning and to provide for related matters. 5

Be it enacted by the Oireachtas as follows: 10

Definitions

1. In this Act—

“Act of 1994” means the Criminal Justice (Public Order) Act 1994;

“Act of 2005” means the Safety, Health and Welfare at Work Act 2005.

Amendment of Act of 1994 15

2. (1) Section 3 of the Act of 1994 is amended in the definition of “public place” by deleting “and” in paragraph (d), by substituting “reward, and” for “reward.” in paragraph (e) and inserting the following paragraph after paragraph (e):

“(f) any part of the maritime area (within the meaning of section 2 of the Continental Shelf Act 1968) in respect of which a Status Red severe weather warning (within the meaning of the Safety, Health and Welfare at Work Act 2005) is in operation.”. 20

(2) The Act of 1994 is amended by inserting the following section after section 6:

“Dangerous activity in public place

6A. (1) A person commits an offence where, in a public place in respect of which there is in operation a Status Red severe weather warning (within the meaning of the Safety, Health and Welfare at Work Act 2005), he or she acts recklessly or without reasonable cause or excuse and engages in any activity that directly or indirectly— 25

(a) presents a danger to his or her own life or the life of any other person, or 30

- (b) may interfere with the ability of any emergency service to perform its functions.
- (2) A person who is guilty of an offence under this section shall be liable on summary conviction to a class D fine or to imprisonment for a term not exceeding 6 months or to both. 5
- (3) In this section ‘emergency service’ includes the Garda Síochána, a fire brigade service, an ambulance service, the boat and coastal service rescue services (including the rescue services provided by the Air Corps) and the mountain and cave rescue services or a similar emergency service.”. 10
- (3) The Act of 1994 is amended in section 8(1)(a) by inserting “6A,” after “section 4, 5, 6,”.

Amendment of Act of 2005

- 3. (1) Section 2 of the Act of 2005 is amended—
 - (a) by the insertion of the following after the definition of “material interest”: 15
 - “ ‘Met Éireann’ means the body established in 1936 as the Irish Meteorological Service;”,
 - and
 - (b) by the insertion of the following after the definition of “special report”:
 - “ ‘Status Red severe weather warning’ means a severe weather warning 20 issued by Met Éireann that is categorised and referred to by it as a Status Red severe weather warning;”.
- (2) Section 11 of the Act of 2005 is amended—
 - (a) by the insertion of the following after subsection (4):
 - “(4A) In the event of a Status Red severe weather warning, the employer 25 with a place of work in the State or in the maritime area (within the meaning of section 2 of the Continental Shelf Act 1968) that is subject to such a warning shall, during the period that it is in operation in respect of that place—
 - (a) close such place and make reasonable measures to inform all 30 employees to stay away from it for the duration of that warning or, where an employee’s place of work is located in a number of areas, to stay away for the purposes of his or her employer’s work from any location to which the warning relates, and
 - (b) ensure that an employee who stays away from such place of work 35 for the duration of a Status Red severe weather warning is not penalised because of such action,
 - and, accordingly, a person who would but for a Status Red severe weather warning having been in operation in respect of the area of his or her place of employment shall be treated by his or her employer as 40

if at work for so much of the period of such warning as he or she would have been otherwise at work.”,

and

(b) by inserting the following paragraph after paragraph (d) of subsection (5):

- “(e) an employee or a category of employee of an employer, or a category of employees generally, in respect of whom subsection (4A) does not apply by virtue of being exempted from compliance with that subsection by the Minister for Communications, Climate Action and the Environment (either in writing or by such other means as that Minister considers appropriate in the circumstances) because the employee or category of employee performs functions, or is likely to be required to perform functions, consisting of—
- (i) an essential service during a Status Red severe weather warning, or
 - (ii) the performance of other work during a Status Red severe weather warning that, by its nature, requires continuity of it to be maintained.”.

Short title, collective citation and commencement

4. (1) This Act may be cited as the Extreme Weather (Miscellaneous Provisions) Act 2018.
- (2) This subsection, *section 2* and the Safety, Health and Welfare at Work Acts 2005 to 2014 may be cited together as the Safety, Health and Welfare at Work Acts 2005 to 2018.
- (3) This subsection, *section 3* and the Criminal Justice (Public Order) Acts 1994 to 2014 may be cited together as the Criminal Justice (Public Order) Acts 1994 to 2018.
- (4) This Act comes into operation on the day immediately following the date of its passing.

An Bille um Adhamsir (Forálacha
Ilghnéitheacha), 2018

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Shábháilteacht, Sláinte agus Leas ag an Obair, 2005 chun socrú a dhéanamh maidir le sábháilteacht fostaithe le linn rabhaidh áirithe i dtaca le haimsir anróiteach, arna n-eisiúint ag Met Éireann, a bheith i bhfeidhm; do leasú an Achta um Cheartas Coiriúil (Ord Poiblí), 1994 chun socrú a dhéanamh maidir le cosaint a thabhairt do shábháilteacht phoiblí agus do shábháilteacht pearsanra seirbhíse tarrthála le linn rabhadh aimsire den sórt sin a bheith i bhfeidhm agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*Na Teachtaí Gearóid Mac Ádhaimh, Dáithí Ó
Cuileannáin agus Imelda Uí Mhuimhneacháin a
thug isteach,*

7 Feabhra, 2018

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Bill 2018

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*Introduced by Deputies Gerry Adams, David
Cullinane and Imelda Munster,*

7th February, 2018

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