DÁIL ÉIREANN

AN BILLE SLÁINTE (CAOMHNÚ AGUS COSAINT AGUS BEARTA ÉIGEANDÁLA EILE AR MHAITHE LE LEAS AN PHOBAIL), 2020
HEALTH (PRESERVATION AND PROTECTION AND OTHER EMERGENCY MEASURES IN THE PUBLIC INTEREST) BILL 2020
LEASUITHE COISTE COMMITTEE AMENDMENTS

[No. 3 of 2020] [19 March, 2020]
SECTION 2

1. In page 4, to delete lines 16 to 35 and substitute the following:

“(3) Subject to subsections (4) and (5), each of the amendments effected by this Act shall continue in operation for six months from the passing of this Act and shall then expire.

(4) An amendment effected by this Act may be continued in operation from time to time by a resolution passed by each House of the Oireachtas before its expiry, resolving that that amendment should continue in operation for such period as may be specified in the resolutions.

(5) Where the Government by order declares that an amendment effected by this Act and specified in the order shall expire on a date earlier than six months from the date of the passing of this Act, the amendment so specified shall expire accordingly.

(6) Where an amendment effected by this Act expires, the Act to which the amendment was made shall apply and have effect as it applied and had effect before that amendment was effected, but subject to—

(a) any other amendment to that Act effected by this Act which has not expired, and

(b) any amendment to that Act effected by another Act passed after the passing of this Act.”.

—Brendan Howlin, Alan Kelly.

2. In page 4, line 16, to delete “, subject to subsections (4) and (5)”.

—Mick Barry.

3. In page 4, to delete lines 18 to 35.

—Mick Barry.
4. In page 4, line 18, after “Government” to insert “, with the consent of Dáil and Seanad Éireann”.

—Catherine Connolly, Joan Collins, Thomas Pringle.

5. In page 4, line 21, after “may” to insert “, upon a vote of the Houses of the Oireachtas”.

—Richard Boyd Barrett, Bríd Smith, Gino Kenny, Paul Murphy.

6. In page 4, line 24, after “concerned” to insert the following:

“but shall cease to be in operation on and from the 9th day of May 2021, unless a resolution has been passed by each House of the Oireachtas resolving that Part 3 should continue in operation”.

—Denis Naughten, Cathal Berry, Peter Fitzpatrick, Noel Grealish, Michael Lowry, Verona Murphy, Matt Shanahan, Peadar Tóibín.

7. In page 4, to delete lines 25 to 35 and substitute the following:

“(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.

(6) (a) At the request of the Minister for Health, 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 and where he is satisfied that it is in the public interest to do so, any of the amendments effected by Part 3 may be continued in operation, or further continued in operation as the case may be, for a period of three months by resolution of each House of the Oireachtas.

(b) In the event that a general election for Seanad Éireann has taken place and the first meeting of Seanad Éireann after the general election has not yet taken place, all or any of the amendments effected by Part 3 may be continued in operation for a period of three months as may be specified by resolution of Dáil Éireann.

(c) In the event that the number of members necessary to constitute a meeting of either House of the Oireachtas for the exercise of its powers cannot convene within three days of a request of the Minister for Health in accordance with paragraph (a), the Government may by order declare that all or any of the amendments effected by Part 3 shall continue in operation for a period of three months, or further period of three months as the case may be, provided that any such order 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.”.

—Michael McNamara, Marian Harkin.
[SECTION 2]

8. In page 4, line 25, after “Government” to insert “, with the consent of Dáil and Seanad Éireann”.
   —Catherine Connolly, Joan Collins, Thomas Pringle.

9. In page 4, line 27, after “may” to insert “, upon a vote of the Houses of the Oireachtas”.
   —Richard Boyd Barrett, Brid Smith, Gino Kenny, Paul Murphy.

10. In page 4, line 30, after “concerned” to insert “with any single continuation not exceeding 4 weeks”.
    —Stephen S. Donnelly.

11. In page 4, to delete lines 31 to 35.
    —Catherine Connolly, Joan Collins, Thomas Pringle.

SECTION 5

12. In page 5, between lines 8 and 9, to insert the following:


   5. Within two weeks of the passing of this Act, the Minister shall produce a report on a Covid-19 workers’ guarantee scheme which contains measures to ensure that no worker or their household suffer a loss of income as a result of the crisis and how this could be funded through a levy on profitable companies which is tiered and takes into account ability to pay. Measures that could ensure this guarantee could include:

   (a) a guarantee that employers maintain the income of its workforce;
   (b) social protection payments to make up any shortfall in wages where an employer can show an inability to maintain the income of its workers;
   (c) all employment contracts to be maintained;
   (d) where there is a loss in hours worked that the typical income of that worker is guaranteed under the scheme;
   (e) measures to ensure that self-employed workers are able to access the income guarantee through social protection payments;
   (f) a moratorium on all evictions;
   (g) measures to ensure that all workers regardless of their legal status are covered;
   (h) for households adversely impacted by Covid-19 measures that they incur no charge for utility bills, rent or mortgage payments;
   (i) provision of free childcare to all workers providing a vital service.”.
    —Mick Barry.

13. In page 5, line 18, after “is” to insert “laid off work,“.
    —Richard Boyd Barrett, Brid Smith, Gino Kenny, Paul Murphy.
14. In page 5, lines 23 and 24, to delete all words from and including “or” in line 23 down to and including line 24 and substitute the following:

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

(iii) who is in a high risk category and who self-isolates, having been advised to do so and certified by a medical practitioner,”.

—Catherine Murphy, Gary Gannon.

15. In page 5, lines 23 and 24, to delete all words from and including “or” in line 23 down to and including line 24 and substitute the following:

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

(iii) who requires self-isolation in order to protect themselves from infection,”.

—Catherine Connolly, Joan Collins, Thomas Pringle.

16. In page 5, lines 23 and 24, to delete all words from and including “or” in line 23 down to and including line 24 and substitute the following:

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

(iii) who for their own medical protection against Covid-19 due to—

(I) cardiovascular disease,

(II) diabetes,

(III) chronic Respiratory disease,

(IV) hypertension, or

(V) cancer,“.

—Joan Collins.

17. In page 5, lines 23 and 24, to delete all words from and including “or” in line 23 down to and including line 24 and substitute the following:

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

(iii) who would be at a higher risk of serious illness or mortality from Covid-19 due to an underlying health condition,”.

—Paul Murphy, Richard Boyd Barrett, Brid Smith, Gino Kenny.

18. In page 5, line 24, after “probable” to insert “or possible”.

—Richard Boyd Barrett, Brid Smith, Gino Kenny, Paul Murphy.

19. In page 5, line 27, after “probable” to insert “or possible”.

—Richard Boyd Barrett, Brid Smith, Gino Kenny, Paul Murphy.

20. In page 5, line 29, after “probable” to insert “or possible”.

—Richard Boyd Barrett, Brid Smith, Gino Kenny, Paul Murphy.
21. In page 5, lines 29 to 31, to delete all words from and including “or” in line 29 down to and including line 31 and substitute the following:

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

(e) 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 needs to self isolate for their own health protection.”

—Joan Collins.

22. In page 5, lines 29 to 31, to delete all words from and including “or” in line 29 down to and including line 31 and substitute the following:

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

(e) being a person who having followed public health advice to remain at home or isolated with regards to being a possible or probable source of infection of Covid-19.”

—Richard Boyd Barrett, Bríd Smith, Gino Kenny, Paul Murphy.

23. In page 5, lines 29 to 31, to delete all words from and including “or” in line 29 down to and including line 31 and substitute the following:

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

(e) being a person who must remain at home to care for dependents who would ordinarily be cared for by someone other than that person.”

—Richard Boyd Barrett, Bríd Smith, Gino Kenny, Paul Murphy.

24. In page 5, lines 29 to 31, to delete all words from and including “or” in line 29 down to and including line 31 and substitute the following:

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

(e) being a person who, due to closure of their workplace, curtailment of work in their workplace or such a reduction of business resulting from the Covid-19 crisis, is unable to continue in their employment.”

—Richard Boyd Barrett, Bríd Smith, Gino Kenny, Paul Murphy.

25. In page 5, lines 29 to 31, to delete all words from and including “or” in line 29 down to and including line 31 and substitute the following:

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

(e) being a person who is satisfied that their work is non-essential and
chooses, in the interests of complying with public health advice, not to attend their employment.”.

—Richard Boyd Barrett, Bríd Smith, Gino Kenny, Paul Murphy.

26. In page 5, lines 29 to 31, to delete all words from and including “or” in line 29 down to and including line 31 and substitute the following:

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

(e) being a person who is required to remain at home to care for a person who is diagnosed with or has an illness related to Covid-19.”.

—Paul Murphy, Richard Boyd Barrett, Bríd Smith, Gino Kenny.

27. In page 6, to delete lines 4 to 6.

—Willie O'Dea.

28. In page 6, to delete lines 7 to 10 and substitute the following:

“(11) The Minister shall, in respect of a person to whom subsection (7) applies, increase the rate of Illness Benefit to €305 per week for the duration of the Covid-19 Pandemic.”.

—Willie O'Dea.

SECTION 6

29. In page 6, to delete lines 35 and 36.

—Willie O'Dea.

SECTION 7

30. In page 7, between lines 16 and 17, to insert the following:

“Amendment to section 61 of Act of 2005

7. The Act of 2005 is amended by the insertion of the following section after section 61L:

“61M. (a) Notwithstanding anything in this Act, the Minister may, following consultation with the Minister for Health and the Minister for Public Expenditure and Reform and having regard to the matters specified in subsection (2), make regulations providing for an emergency Covid-19 expansion of entitlement to parents benefit, extension of the duration of payment and variation of the rate of payment for persons suffering a loss of income due to school and creche closures arising from Covid-19.

(b) When making regulations under this section the Minister shall have regard for the following:

(i) the nature and impact of Covid-19 on individuals, society and the State;
(ii) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19;

(iii) the policies of the Government to protect the health and welfare of the State;

(iv) the need to protect persons at risk due to the health and economic impacts of Covid-19.”.

—Louise O’Reilly.

31. In page 7, to delete lines 20 to 23 and substitute the following:

“(4) A person made unemployed as a result of Covid-19 shall be entitled to jobseeker’s benefit for the first 3 days of any period of interruption of employment.”.

—Willie O’Dea.

32. In page 7, line 23, to delete “employment.” and substitute the following:

“employment.

(4A) Notwithstanding anything in this Act, the Minister may by regulations vary the rate of jobseeker’s benefit payable to those persons who have become unemployed from the 9th day of March 2020 for such a period as may be prescribed.

(4B) The regulations referred to in subsection (4A) may provide that solidarity payments as prescribed in the regulations, paid to a former employee by a former employer, are to be disregarded when calculating a persons entitlement to avail of jobseeker’s benefit.”.

—Louise O’Reilly.

SECTION 8

33. In page 7, to delete lines 27 to 30 and substitute the following:

“(a) A person made unemployed as a result of Covid-19 shall be entitled to jobseeker’s allowance for the first 3 days of unemployment in any continuous period of employment.”.

—Willie O’Dea.

34. In page 7, between lines 30 and 31, to insert the following:

“and

(b) by the insertion of the following subsections after subsection (2):

“(2A) Notwithstanding anything in this Act, the Minister may by regulations vary the rate of jobseeker’s allowance payable to those persons who have become unemployed from the 9th day of March 2020 for such a period as may be prescribed.

(2B) The regulations referred to in subsection (2A) may provide that
solidarity payments as prescribed in the regulations, paid to a former employee by a former employer, are to be disregarded when calculating a person’s entitlement to avail of jobseeker’s allowance.”.

—Louise O’Reilly.

35. In page 7, between lines 30 and 31, to insert the following:

“Amendment to section 198 of the Act of 2005 (Emergency Covid-19 Rent Supplement Payment)

9. (1) The Minister may, following consultation with the Minister for Health and the Minister for Public Expenditure and Reform and having regard to the matters specified in subsection (2), make regulations to make provision for an emergency Covid-19 rent supplement payment for persons unable to pay part of or all of their rent due to loss of income arising from Covid-19.

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

(a) the nature and impact of Covid-19 on individuals, society and the state;
(b) the capacity of the capacity of the state to respond to the risk to public health posed by the spread of Covid-19;
(c) the policies of the Government to protect the health and welfare of the State;
(d) the need to protect persons at risk of homelessness due to the health and economic impacts of Covid-19.”.

—Louise O’Reilly.

SECTION 10

36. In page 8, to delete lines 5 to 42, and in page 9, to delete lines 1 to 29 and substitute the following:

“31A.(1) The Minister shall, 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, 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 shall, in particular, provide for the following:

(a) to issue Affected Business and Company orders to relevant manufacturers and producers of medical ventilators, protective equipment, laboratory equipment or capacity and other essential products or services as deemed necessary to prevent, limit slow, minimise and treat the spread of Covid-19 and to this end arrange, instruct, control and direct the operations of companies involved in the manufacturing and production of such goods to meet specified targets and insure the use of all available resources at their disposal
to fulfil these; and

(b) to issue Affected Business and Company orders to relevant providers of private health facilities and services in the State in order to prevent, limit, slow, minimise and treat the spread of Covid-19 and to this end arrange, instruct and control all services provided by such private medical facilities, business and companies to meet the requirements of providing public health care during this crisis.”.

—Richard Boyd Barrett, Bríd Smith, Gino Kenny, Paul Murphy.

37. In page 8, line 21, after “homes” to insert “or place of lodgings”.

—Louise O’Reilly.

38. In page 8, line 21, to delete “or” and substitute the following:

“(ii) during a period when persons generally are advised or required to remain in their homes, prohibiting the owners of dwellings who let them to others from evicting or otherwise seeking to remove any person from his or her home, or”.

—Brendan Howlin, Alan Kelly.

39. In page 8, lines 21 and 22, to delete “, or” in line 21, down to and including “(iii) without” in line 22 and substitute the following:

“where practicable and where such a restriction does not put that person in danger,

(ii) where not practicable, or in cases where it is deemed such a restriction would put that person in danger, the State will provide alternative accommodation, or

(iii) without”.

—Stephen S. Donnelly.

40. In page 8, after line 42, to insert the following:

(v) house parties, namely gatherings of people in a private residence who don’t normally reside on the premises, for the purposes of entertainment;”.

—Denis Naughten, Cathal Berry, Peter Fitzpatrick, Noel Grealish, Michael Lowry, Verona Murphy, Matt Shanahan, Peadar Tóibín.

41. In page 9, line 18, after “facilities,” to insert “adult day centres,”.

—Denis Naughten, Cathal Berry, Peter Fitzpatrick, Noel Grealish, Michael Lowry, Verona Murphy, Matt Shanahan, Peadar Tóibín.

42. In page 9, line 18, after “facilities” to insert “, non-essential retail outlets,”.

—Paul Murphy, Richard Boyd Barrett, Brid Smith, Gino Kenny.
[SECTION 10]

43. In page 9, line 22, after “other” to insert “proportionate”.

—Stephen S. Donnelly.

44. In page 9, line 29, to delete “regulations.” and substitute the following:

“regulations;

(l) the requisitioning of any premises or class of premises by the State in order to prevent, limit, minimise or slow the spread of Covid-19, or to assist in the production and distribution of goods to that effect;

(m) the requisitioning of any place or class of place by the State in order to prevent, limit, minimise or slow the spread of Covid-19, or to assist in the production and distribution of goods to that effect;

(n) the requisitioning of any vacant dwelling by the State in order to prevent, limit, minimise or slow the spread of Covid-19.”.

—Paul Murphy, Richard Boyd Barrett, Brid Smith, Gino Kenny.

45. In page 9, between lines 29 and 30, to insert the following:

“(1A) Anyone affected by a measure introduced by a Minister under subsection (1) has the right to appeal the decision to the Circuit Court.”.

—Paul Murphy, Richard Boyd Barrett, Brid Smith, Gino Kenny.

46. In page 10, line 3, after “citizens” to insert “and residents”.

—Catherine Connolly, Joan Collins, Thomas Pringle.

47. In page 10, between lines 16 and 17, to insert the following:

“(ix) the need not to unduly restrict the existing rights to freedom of assembly and to freedom of movement,”.

—Paul Murphy, Richard Boyd Barrett, Brid Smith, Gino Kenny.

48. In page 10, between lines 16 and 17, to insert the following:

“(ix) the rights of freedom of speech, association and assembly, trade union rights, the right to protest against government policy, injustice and workplace issues,”.

—Mick Barry.

49. In page 10, between lines 29 and 30, to insert the following:

“(c) shall consult with the relevant Oireachtas Committee.”.

—Mick Barry.

50. In page 10, line 39, after “person” to insert “or company”.

—Richard Boyd Barrett, Brid Smith, Gino Kenny, Paul Murphy.
[SECTION 10]

51. In page 12, to delete lines 8 to 16.

—Stephen S. Donnelly.

52. In page 12, line 38, after “31B” to insert “, 31C”.

—Thomas Byrne.

53. In page 13, line 16, after “31B” to insert “, 31C”.

—Thomas Byrne.

54. In page 13, between lines 26 and 27, to insert the following:

“(18) Any regulations made under this section shall only continue in effect by a resolution passed by Dáil Éireann within 14 calendar days of the regulations being made.”.

—Mick Barry.

55. In page 13, line 28, to delete “subsection (2)” and substitute “subsections (2) and (3)”.

—Catherine Connolly, Joan Collins, Thomas Pringle.

56. In page 13, line 39, to delete “Government.” and substitute the following:

“Government.

(3) Before making an order under this section, the Minister shall obtain the consent of Dáil and Seanad Éireann.”.

—Catherine Connolly, Joan Collins, Thomas Pringle.

57. In page 13, line 39, to delete “Government.” and substitute the following:

“Government.

Prevention of False or Misleading Public Health Information

31C. (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, make regulations for the purpose of preventing, limiting, minimising or slowing the communication of known false information regarding the prevention of the spread of Covid-19 (including the spread outside the State).

(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 numbers of health care workers available at a given time, the capacity of those workers to undertake measures, the necessity to take such measures to test persons for Covid-19 and to provide care and treatment to persons infected with Covid-19 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 provisions of 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) A person who contravenes a regulation made under this section or who wilfully obstructs its implementation or gives false or misleading evidence in purported compliance with this regulation shall be guilty of a class C offence.

(4) Before making an order under this section, 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.

(5) ‘known false information’ in this section means—
(a) information which is known to be incorrect by the communicator at the time at which it is communicated on the cause of, treatment for or known transmission of Covid-19,

(b) information communicated for the purposes of inhibiting, delaying or circumventing the public health response to the spread of Covid-19,

(c) information communicated for the purposes of limiting the spread of information provided by the World Health Organisation, the European Centre for Disease Prevention and Control, the Health Protection Surveillance Centre of the Health Service Executive or Government to protect human life and public health for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19,

(6) ‘communication’ means any form of communication, including by speech, writing, broadcast, telephone, application, visible behaviour or visible representation, and the communication of information that is generated, processed, transmitted, received, recorded, stored or displayed by electronic means or in electronic form."

—Thomas Byrne.

58. In page 13, line 39, to delete “Government.” and substitute the following:

“Government.

Affected Business and Companies orders

31C. (1) Subject to subsection (2), the Minister may, having regard to the matters specified in section 31A(2), by order declare an business, enterprise or company to be an Affected Business or Company

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

—Richard Boyd Barrett, Brid Smith, Gino Kenny, Paul Murphy.

59. In page 13, line 39, to delete “Government.” and substitute the following:

“Government.

31C. 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, requisition premises including private hospitals, vehicles and equipment he or she deems appropriate and necessary to prevent, limit, minimise or slow the spread of Covid-19, for the length of time he or she deems appropriate. A rate of compensation shall be agreed after the requisition period is over and the premises, vehicle or equipment so
seized is returned to the proprietor.”.”.

—Louise O’Reilly.

SECTION 11
60. In page 14, line 2, after “faith” to insert “and in reasonable belief”.

—Stephen S. Donnelly.

61. In page 14, line 5, to delete “appropriate” and substitute “necessary”.

—Paul Murphy, Richard Boyd Barrett, Brid Smith, Gino Kenny.

62. In page 14, line 5, after “appropriate” to insert “and necessary”.

—Michael McNamara, Marian Harkin.

63. In page 15, line 7, to delete “14 days” and substitute “7 days”.

—Ossian Smyth.

64. In page 15, line 14, to delete “as soon as practicable” and substitute “within a period not exceeding 48 hours”.

—Paul Murphy, Richard Boyd Barrett, Brid Smith, Gino Kenny.

65. In page 15, line 14, to delete “practicable” and substitute “possible and in any event no later than 14 days from the time the review was requested”.

—Catherine Connolly, Joan Collins, Thomas Pringle.

66. In page 16, line 20, to delete “Covid-19.”.” and substitute the following:


(f) notwithstanding the provisions of this section, no person may be detained under this section for a period exceeding 28 consecutive days.”.”.

—Ossian Smyth.

NEW SECTION
67. In page 16, after line 20, to insert the following:

“Amendment of Act of 1947 - Judicial review

12. The Act of 1947 is amended by the insertion of the following section after section 52:

“Judicial review

52A. (1) Leave shall not be granted for judicial review of any decision, order or regulation made under this Part of this Act unless—

(a) either—

(i) the application for leave to seek judicial review is made to the Court within 14 days after the decision, order or regulation is made, or
(ii) the Court is satisfied that—

(I) there are substantial reasons why the application was not made within that period, and

(II) it is just, in all the circumstances, to grant leave, having regard to the interests of other affected persons and the public interest,

and

(b) the Court is satisfied that the application raises a substantial issue for that Court’s determination.

(2) The Court may make such order on the hearing of the judicial review as it thinks fit, including an order remitting the matter back to the Minister with such directions as the Court thinks appropriate or necessary.”.”.

—Jim O'Callaghan.

68. In page 16, after line 20, to insert the following:

“Amendment of Statute of Limitations 1957

12. The Statute of Limitations 1957 is amended by the insertion of the following after section 80:

“81. (1) In reckoning any period of time for the purposes of any limitation period in relation to a relevant claim specified by this Act, the period beginning on 16 March 2020 and ending on 11 May 2020 shall be disregarded.

(2) The date of 11 May 2020 may be extended by order of the Minister for Justice and Equality.”.”.

—Jim O'Callaghan.

69. In page 16, after line 20, to insert the following:

“Amendment of Courts and Court Officers Act 2009

12. The Courts and Court Officers Act 2009 is amended by the insertion of the following after section 26:

“Requirement of personal attendance at Court

27. Notwithstanding the requirements of any other statutory provision that requires a person to be present in person in any court, the Chief Justice or President of any court, in respect of his or her court, may dispense with the requirement of such personal attendance if he or she believes such non-attendance is necessary because of public health risks arising from the spread of Covid-19.”.”.

—Jim O'Callaghan.
In page 16, after line 20, to insert the following:

“Power to compulsorily lease land

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

“Power to compulsorily lease land

38B. (1) The Minister may with the consent of the Minister for Public Expenditure and Reform, if satisfied that it is necessary in order to deal with the public health risks arising from the spread of Covid-19, compulsorily lease any land or building which the Minister believes is required for the efficient treatment of Covid-19 or to give effect to any of the regulations made under sections 31 or 31A, or orders made under section 38A.

(2) Where the Minister seeks to compulsorily lease any land or building for the purposes of this Act he shall do so by means of a compulsory lease order made by the Minister.

(3) Where a compulsory lease order is made under this Act, the Minister shall serve a notice (referred to as a notice to treat) on every owner, lessee and occupier of the land stating that he is willing to treat for the lease of the land or building and requiring each such owner, lessee and occupier to state within one week the exact nature of the interest in respect of which rent is claimed and details of the amount of rent claimed.

(4) Notwithstanding the requirements of any other statutory provision, the Minister may, at any time after the service of a notice to treat in respect of the land or building, enter on, take possession of and use the land or building or such part thereof as may be specified in the notice without the previous consent of any such owner, lessee or occupier.

(5) Any person who interferes with the Minister in entering on, taking possession of or using the land or building shall be guilty of an offence under this section and shall be liable upon summary conviction to penalties specified in subsection (6) of section 38.

(6) Where the Minister and the owner, lessee or occupiers of the land or building cannot agree on the amount of rent to be paid, the rent shall be set by the Valuation Tribunal on a fair and reasonable basis, taking into account that the property has been leased for the purpose of protecting human life and public health.

(7) The compulsory lease order shall continue for such period of time as may be required by the Minister and this period of time may be extended by the Minister. The Minister shall give no less than one months’ notice to the owner, lessee or occupier of the termination of the compulsory lease.

(8) The owner, lessee or occupiers of the land or building cannot
terminate the lease unless the lease of the land or building is no longer necessary in order to deal with the public health risks arising from the spread of Covid-19.

(9) The Minister may make regulations for the purpose of giving effect to the provisions of this section.”.

—Jim O'Callaghan.

71. In page 16, after line 20, to insert the following:

“Amendment of Enforcement of Court Orders Act, 1940

12. The Enforcement of Court Orders Act, 1940 is amended by the insertion of the following after section 9:

“9A. (1) No steps may be taken to enforce or execute a court order providing for the payment of a sum of money or for the delivery up of real or personal property in the period beginning on 16 March 2020 and ending on 9 May 2020 (the ‘Relevant Period’) unless—

(a) the party seeking to enforce or execute such a court order during the Relevant Period applies to the judge who made such order, or a judge assigned by the President of the relevant court to hear such an application, for leave to enforce or execute such a court order during the Relevant Period,

(b) such application for leave to enforce or execute such a court order during the Relevant Period may be made ex parte unless the judge hearing the application directs that the application be made on notice,

(c) leave to enforce or execute such a court order during the Relevant Period shall not be granted unless the judge hearing the application is satisfied that—

(i) there are substantial reasons why leave to enforce or execute such a court order during the Relevant Period should be granted, and

(ii) it is just, in all the circumstances, to grant leave, having regard to the interests of other affected persons.”.

—Thomas Byrne.

72. In page 16, after line 20, to insert the following:

“Amendment of Central Bank Act 1942

12. The Central Bank Act, 1942 (as amended) is further amended by the insertion of the following after section 68:
“Repayments

69. (1) No regulated financial service provider or credit servicing firm may demand repayment of any sum of money in the period beginning on 16 March 2020 and ending on 11 May 2020 (the ‘Relevant Period’).

(2) No regulated financial service provider or credit servicing firm regulated under the Consumer Protection (Regulation of Credit Servicing Firms) (Amendment) Act 2018 may require a borrower to make repayments under a loan facility agreement or other credit agreement during the ‘Relevant Period’.

(3) The repayment obligations of borrowers under a loan facility agreement or other credit agreement shall be suspended during the ‘Relevant Period’.

(4) Nothing in this section operates to alter the contractual terms, rights and obligations of any borrower, regulated financial service provider or credit servicing firm other than as provided for above.”.

—Michael McGrath.

73. In page 16, after line 20, to insert the following:

“Ban on below cost selling of alcohol

12. Within 7 days of the passage of this Act the Minister for Health shall commence section 11 of the Public Health (Alcohol) Act 2018 to ban the below cost selling of alcohol.”.

—Denis Naughten, Cathal Berry, Peter Fitzpatrick, Noel Grealish, Michael Lowry, Verona Murphy, Matt Shanahan, Peadar Tóibín.

74. In page 16, after line 20, to insert the following:

“PART 4

Amendments to Residential Tenancies Act 2004

Amendment of section 14 of Residential Tenancies Act 2004

12. The Residential Tenancies Act 2004 is amended in subsection (1) by the insertion of the following paragraph:

“(e) the non-payment of rent during the period covered by the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020.”.”.

—Richard Boyd Barrett, Bríd Smith, Gino Kenny, Paul Murphy.
In page 16, after line 20, to insert the following:

“Amendment of section 34 of Residential Tenancies Act 2004

12. The Residential Tenancies Act 2004 is amended in section 34 by the insertion of the following paragraph:

“(c) notwithstanding any of the provisions of paragraphs (a) and (b), none of these grounds shall apply during the period covered by the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020.”.

—Richard Boyd Barrett, Bríd Smith, Gino Kenny, Paul Murphy.

In page 16, after line 20, to insert the following:

“PART 4

Amendment of section 40A of Electricity Regulation Act 1999

12. Section 40A of the Electricity Regulation Act 1999 is amended by the insertion of the following subsection after subsection (1):

“(1A) For the period covered by the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020, the Minister may make regulations to direct—

(a) the Commission,

(b) the holder of a licence under section 14, or

(c) a person referred to in section 10A(2)(b)(i), (ii), (iii) or (iv) of the Gas Act 1976,

to insure that all supplies to households are maintained and no disconnections or interruption of supplies for reasons of non-payment connected with the Covid-19 crisis take place.”.

—Richard Boyd Barrett, Bríd Smith, Gino Kenny, Paul Murphy.

In page 16, after line 20, to insert the following:

“PART 4

Amendment of Residential Tenancies Act 2004

Amendment of Residential Tenancies Act 2004 (Emergency Suspension of Notices to Quit)

12. The Residential Tenancies Act 2004 is amended by the insertion of the following:
“Emergency Suspension of Notices to Quit

34A. (1) The Minister may, following consultation with the Minister for Health and the Minister for Public Expenditure and Reform and having regard to the matters specified in subsection (2), make regulations to suspend all or part of the operation of section 34 for the duration of the Covid-19 crisis.

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

(a) the nature and 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 of the Government to protect the health and welfare of the State;

(d) the need to ensure the most beneficial, effective and efficient use of resources; and

(e) the impact of any regulations on the well-being of tenants and the operation of the private rental sector.”.

—Louise O'Reilly.

78. In page 16, after line 20, to insert the following:

“Amendment to section 4 of the Energy Act 2016 (Emergency Suspension of Utility Disconnections)

12. (1) The Minister may, following consultation with the Minister for Health and the Minister for Public Expenditure and Reform and having regard to the matters specified in subsection (2), make regulations to instruct the Regulator to prohibit utility disconnections for a specified period of time during the Covid-19 crisis.

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

(a) the nature and 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 of the Government to protect the health and welfare of the State;

(d) the need to protect people from loss of access to utilities arising from the health and economic impacts of Covid-19.”.

—Louise O'Reilly.
79. In page 16, after line 20, to insert the following:

“Amendment of section 10 of the Communication Regulation Act 2002 (Emergency access to broadband and internet)

12. (1) The Minister may, following consultation with the Minister for Health and the Minister for Public Expenditure and Reform and having regard to the matters specified in subsection (2), make regulations to instruct the Regulator to prohibit communication service disconnections including internet and telephone services for a specified period of time during the Covid-19 crisis.

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

(a) the nature and impact of Covid-19 on individuals, society and the State;
(b) the capacity of the capacity of the State to respond to the risk to public health posed by the spread of Covid-19;
(c) the policies of the Government to protect the health and welfare of the State;
(d) the need to support those in quarantine, self-isolation or social-distancing to have continued access to family and support networks during the Covid-19 crisis.”

—Louise O'Reilly.

80. In page 16, after line 20, to insert the following:

“Restriction on stockpiling

12. The Act of 1947 is amended by insertion of the following section after section 66:

“Restriction on stockpiling of certain medicines, medical devices, products, and equipment, including personnel protective equipment and alcohol based sanitisers, used in the prevention and treatment of Covid-19

66A. (1) Within seven days of the signing of this Act by the President, the Minister for Health shall draw up and publish on the Department of Health website, a list of Covid-19 related medicines, medical devices, products, and equipment, including personnel protective equipment and alcohol based sanitisers, used in the prevention and treatment of Covid-19, that the HSE do not have an adequate supply of.

(2) It shall be a criminal offence to stockpile any item included on the list set out in subsection (1) without prior written approval by the Minister for Health.

(3) Any approval by the Minister to stockpile medicines, medical devices, products, and equipment, including personnel protective equipment and alcohol-based sanitisers, used in the prevention and treatment of Covid-19, shall be publicly available.

(4) A person or company 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.

(5) The list of Covid-19 related medicines, medical devices, products, and equipment, including personnel protective equipment and alcohol-based sanitisers, used in the prevention and treatment of Covid-19 as set out in subsection (1) may be updated by the Minister for Health by way of Statutory Instrument.”.

—Louise O’Reilly.

81. In page 16, after line 20, to insert the following:

“PART 4

Postponement of mortgage, rent etc.

12. (1) The Minister for Finance, may following consultation with the Minister for Health and 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 where he is satisfied that it is in the public interest to do so, may by order postpone, for a period of three months, the payment of any mortgage, loan, rent, local authority rates or other debt payable in the State by any natural or legal person.

(2) In satisfying himself that it is in the public interest to make such an Order, the Minister for Finance 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.

(3) An order under subsection (1) 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.”.

—Michael McNamara, Marian Harkin, Michael Fitzmaurice.

82. In page 16, after line 20, to insert the following:

“PART 4

12. (1) The Minister for Health, may following consultation with the Minister for Finance
and 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 where he is satisfied that it is in the public interest to do so, may by order seize any medicines, goods or equipment situate in the State which, by the said order, he deems necessary to provide care and treatment to persons infected with Covid-19.

(2) In satisfying himself that it is in the public interest to make such an Order, the Minister for Health 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.

(3) The natural or legal persons from whom such medicines, goods or equipment have been seized pursuant to subsection (1) shall be fairly compensated within a period of one year from their seizure.

(4) An order under subsection (1) 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.”.

—Michael McNamara, Marian Harkin

TITLE

83. In page 3, line 10, after “Health Act 1947” to insert the following:

“to make provision for the Minister for Health or relevant Minister to make regulations to direct the production, manufacture and distribution of medical goods necessary to prevent, limit, minimise, slow and treat the spread of Covid-19, specifically the production in relevant sectors of the economy and industry of ventilators, protective equipment and other essential goods for dealing with this crisis and to further make provision for the Minister to make regulations to direct and control the use of all private medical facilities and suitable buildings in the state for the same purposes,”.

—Richard Boyd Barrett, Brid Smith, Gino Kenny, Paul Murphy.

84. In page 3, line 16, after “regard” to insert “for the period of the crisis”.

—Richard Boyd Barrett, Brid Smith, Gino Kenny, Paul Murphy.

85. In page 3, line 27, after “citizens” to insert “and residents”.

—Catherine Connolly, Joan Collins, Thomas Pringle.
86. In page 4, line 2, after “citizens” to insert “and residents”.

—Catherine Connolly, Joan Collins, Thomas Pringle.