



## **SEANAD ÉIREANN**

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**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**

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# SEANAD ÉIREANN

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## AN BILLE SLÁINTE (CAOMHNÚ AGUS COSAINT AGUS BEARTA ÉIGEANDÁLA EILE AR MHAITHE LE LEAS AN PHOBAIL), 2020 —AN COISTE

### HEALTH (PRESERVATION AND PROTECTION AND OTHER EMERGENCY MEASURES IN THE PUBLIC INTEREST) BILL 2020 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 2

1. In page 4, line 25, after “Government,” to insert the following:

“following consultation with experts in relevant fields and advice which may be published at the request of the Oireachtas.”

—*Senators Alice-Mary Higgins, Lynn Ruane, Colette Kelleher.*

2. In page 4, after line 33, to insert the following:

“(6) Every regulation made 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 21 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.”

—*Senators Alice-Mary Higgins, Lynn Ruane, Colette Kelleher.*

#### SECTION 5

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

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

4. 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.”

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

#### SECTION 6

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

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

[SECTION 6]

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

**“Amendment of 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.”.”.

—*Senators Fintan Warfield, Paul Gavan, Máire Devine, Niall Ó Donnghaile.*

SECTION 7

7. 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.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

8. 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.”.”.

—*Senators Fintan Warfield, Paul Gavan, Máire Devine, Niall Ó Donnghaile.*

[SECTION 8]

SECTION 8

9. 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.”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

10. 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.”.”.

—*Senators Fintan Warfield, Paul Gavan, Máire Devine, Niall Ó Donnghaile.*

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

**“Amendment of section 198 of 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 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.”.

—*Senators Fintan Warfield, Paul Gavan, Máire Devine, Niall Ó Donnghaile.*

[SECTION 8]

SECTION 10

12. In page 8, line 10, after “necessary” to insert “and proportionate”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Colette Kelleher.*

13. In page 8, line 19, after “paragraph (b)” to insert the following:

“restrictions which shall be of a specific duration, subject to review at regular intervals and subject to appeal to the Minister,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Colette Kelleher.*

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

—*Senators Fintan Warfield, Paul Gavan, Máire Devine, Niall Ó Donnghaile.*

15. In page 8, lines 21 and 22, to delete “or (ii) without” 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”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

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

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

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

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

18. 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.”.

—*Senators Fintan Warfield, Paul Gavan, Máire Devine, Niall Ó Donnghaile.*

19. 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,

[SECTION 10]

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.”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

SECTION 11

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

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

21. In page 15, line 7, to delete “14 days” and substitute “72 hours”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Colette Kelleher.*

[SECTION 11]

22. In page 15, line 14, after “practicable” to insert “and not more than 72 hours after the request is made,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Colette Kelleher.*

23. In page 15, between lines 35 and 36, to insert the following:

“(7A) The Minister for Health shall seek to ensure that, where appropriate, advocacy support shall be provided to persons subject to an order under this section.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Colette Kelleher.*

NEW SECTION

24. 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.”.

—*Senators Fintan Warfield, Paul Gavan, Máire Devine, Niall Ó Donnghaile.*

[NEW SECTION]

25. 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.”.”

—*Senators Fintan Warfield, Paul Gavan, Máire Devine, Niall Ó Donnghaile.*

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

**“Amendment of National Vetting Bureau (Children and Vulnerable Persons) Act 2012**

12. The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 is amended by the insertion of the following new section after section 14A:

**“Consideration by Bureau of application for vetting disclosure in the exceptional circumstances of Covid-19**

**14B.** (1) A vetting disclosure for healthcare workers who have returned to service for the term of the emergency period outlined in the *Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020* in the following exceptional circumstances can be granted a member of An Garda Síochána not below the rank of

[NEW SECTION]

Inspector.

- (2) An existing certificate which has been granted by the Bureau for another activity over the previous 12 months in respect of the person who is required to provide vetting will suffice for the term of the emergency period outlined in the *Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020.*”.

—*Senators Fintan Warfield, Paul Gavan, Máire Devine, Niall Ó Donnghaile.*

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

**“Amendment of section 4 of 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.”.

—*Senators Fintan Warfield, Paul Gavan, Máire Devine, Niall Ó Donnghaile.*

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

**“Amendment of section 10 of 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 State to respond to the risk to public health posed by the spread of Covid-19;

[NEW SECTION]

- (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.”.

—*Senators Fintan Warfield, Paul Gavan, Máire Devine, Niall Ó Donnghaile.*

29. 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

[NEW SECTION]

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.”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

30. 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.”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

[NEW SECTION]

31. 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.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

32. 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,

[NEW SECTION]

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.”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

33. 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.”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*

34. 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.”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Diarmuid Wilson.*