



**AN BILLE UM BEARTA ÉIGEANDÁLA AR MHAITHE LE LEAS
AN PHOBAIL (COVID-19), 2020
EMERGENCY MEASURES IN THE PUBLIC INTEREST
(COVID-19) BILL 2020**

EXPLANATORY MEMORANDUM

Introduction

The Bill makes exceptional provision for emergency measures in order to mitigate the impact of the Covid-19 virus on the administration of crucial public service functions. The Bill includes a range of measures by a number of Government Departments for the duration of the Covid-19 crisis including amendment of the Residential Tenancies Act 2004 to prevent the termination of residential tenancies and rent increases; empowering the Minister for Housing, Planning and Local Government for a defined period to disregard certain time periods and deadlines provided for in planning and building legislation; provision for a simplified registration process to facilitate the recruitment of retired health sector professionals; amendment of the Mental Health Act 2001 to facilitate the ongoing operation of the Mental Health Tribunals; amendment of the Defence Act 1954 to facilitate re-enlistment of former members of the Permanent Defence Force; amendment of the Taxes Consolidation Act 1997 to provide for the introduction of a Temporary Wage Subsidy Scheme to be operated by the Revenue Commissioners; amendment of the Redundancy Payments Act 1967 to provide that an employee who has been temporarily laid off or kept on short time will not be entitled to claim redundancy until a longer period has passed, and amendment of the Civil Registration Amendment Act 2004 to extend the functions of an tArd-Chláraitheoir.

Part 1

Preliminary and General

Part 1 provides for the Short Title and Commencement.

Part 2

Operation of Residential Tenancies Act 2004

Part 2 provides for amendments to the Residential Tenancies Act 2004 to prevent both tenancy terminations and rent increases for the duration of the Covid-19 crisis. Termination provisions address both existing Notices of Termination and potential new ones. The rent increase prohibition prevents any rent increases during the period of the crisis. The legislative provisions include a definition of an initial 3 months emergency period complemented by an order-making power to enable this period to be extended.

Part 3

Amendment of Planning and Development Act 2000

Part 3 contains a number of measures that will give Government power, at the request of the Minister for Housing, Planning and Local Government, for a defined period relating to disregarding certain time periods during the crisis to avoid breaching statutory deadlines in a number of Acts relating to planning and building development. The provisions are modelled on similar provisions in the planning laws that cover the Christmas period.

Part 4

Amendment of Certain Acts Regulating Health and Social Care Professions

Part 4 contains a number of health-related measures. The Bill will facilitate the re-employment of retired health sector professionals by empowering regulators to adopt a more streamlined and simplified restoration process to the register of their profession for individuals who wish to respond to the Covid-19 emergency. This will include Doctors, Nurses, Midwives, Dentists, Pharmacists and other health and social care professionals such as social workers, physiotherapists, radiographers, dietitians, opticians and occupational therapists.

The Bill also provides that where a registered health practitioner carries out activities under the direction or control of a registered medical practitioner, that person may not be investigated by the Medical Council for performing those functions.

Part 5

Amendment of Mental Health Act 2001

Part 5 contains a number of amendments to the Mental Health Act 2001 designed to facilitate the ongoing operation of the Mental Health Tribunals for the duration of the exceptional circumstances caused by the pandemic. It will broaden the list of consultant psychiatrists available to the Tribunal and extend the period in which the Tribunal must make decisions on individual cases. It will allow for reduced physical contact by allowing a second psychiatrist to examine a patient remotely and it will allow for one member, paper-based Tribunals minimising personal interaction. The Bill will remove the possibility of psychosurgery for the duration of the exceptional circumstances where one member may be making decisions.

Part 6

Amendment of Defence Act 1954: re-enlistment of formerly enlisted persons

Part 6 facilitates the re-enlistment of former enlisted members to fill certain critical technical positions in the Permanent Defence Force.

Part 7

Amendment of Taxes Consolidation Act 1997

Part 7 provides for the introduction of a Temporary Wage Subsidy Scheme. The scheme, which will be operated by the Revenue Commissioners, will see the Government contribute to eligible firms' wage costs by paying them a wage subsidy to be passed on to the employee on a temporary basis. The scheme is targeted at all sectors and employers will be expected to pay some amount of normal wages for employees. The wage subsidy to be paid shall be determined by reference to the weekly emoluments paid by employers to

specified employees. The payments are liable to income tax, which will be taxable by review at the end of the year.

Part 8

Amendment of Redundancy Payments Act 1967

Part 8 amends the Redundancy Payments Act 1967 by inserting a new section which provides that an employee who has been temporarily laid off or kept on short time will not be entitled to claim redundancy until a longer period has passed.

Part 9

Amendment of Civil Registration Act 2004

Part 9 includes provisions to amend the Civil Registration Act 2004 to extend the functions of an tArd-Chláraitheoir and his staff to perform some of the functions of a registrar or a Superintendent Registrar in the event of the Registration Office being closed down temporarily because of the pandemic. It also removes the obligation on a qualified informant (usually next-of-kin) to attend a registration office to register a birth or death for the duration of this public health crisis

*An Roinn Sláinte,
Márta, 2020.*