



SEANAD ÉIREANN

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

LEASUITHE COISTE COMMITTEE AMENDMENTS

SEANAD ÉIREANN

AN BILLE UM BEARTA ÉIGEANDÁLA AR MHAITHE LE LEAS AN PHOBAIL (COVID-19), 2020 —AN COISTE

EMERGENCY MEASURES IN THE PUBLIC INTEREST (COVID-19) BILL 2020 —COMMITTEE STAGE

*Leasuithe
Amendments*

**Government amendments are denoted by an asterisk*

SECTION 1

1. In page 6, lines 24 and 25, to delete “such day as the Minister for Housing, Planning and Local Government may by order appoint” and substitute “the 30th day of March 2020”.

—Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.

2. In page 6, between lines 30 and 31, to insert the following:

“(e) The amendments effected by *Part 10#* shall be deemed to have come into operation on the 13th day of March 2020.”.

—Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.

[#This is a reference to a Part proposed to be inserted by amendment No 62.]

3. In page 6, between lines 30 and 31, to insert the following:

“(e) The amendments to the Companies Act 2014 effected by *Part 10#* shall be deemed to have come into operation on the 13th day of March 2020.”.

—Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.

[#This is a reference to a Part proposed to be inserted by amendment No 63.]

4. In page 6, between lines 30 and 31, to insert the following:

“(e) The amendments effected by *Part 10#* shall come into operation on such day as the relevant Minister may by order appoint in respect of each of the Acts specified in *Part 10#* which fall under their remit, acting with proper consideration of the need to act urgently to give effect to these provisions.”.

—Senator Alice-Mary Higgins.

[#This is a reference to a Part proposed to be inserted by amendment No. 68.]

SECTION 4

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

“Health,

(b) subject to a vote of approval by both Houses of the Oireachtas, and”.

[0]

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

6. In page 8, to delete lines 3 to 6 and substitute the following:

- “(i) the nature and potential impact of Covid-19 on individuals, society and the State,
- (ii) the capacity of the State to respond to the risk to public health,
- (iii) the need to restrict the movement of persons in order to prevent the spread of the disease among the population, the making of such order is in the public interest,
- (iv) the policies and objectives of the Government to protect the health and welfare of members of the public, and
- (v) the role of adequate housing in protecting public safety.”

—*Senator Alice-Mary Higgins.*

7. In page 8, between lines 6 and 7, to insert the following:

- “(iv) the nature and potential impact of Covid-19 on individuals, society and the State,
- (v) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19,
- (vi) the policies and objectives of the Government to protect the health and welfare of members of the public,
- (vii) the need to mitigate the social and economic effects of the spread of Covid-19,
- (viii) the policies and objectives of the Government to ensure the provision of adequate housing and to reduce homelessness, in the interest of the common good.”

—*Senator Lynn Ruane.*

8. In page 8, between lines 6 and 7, to insert the following:

- “(iv) the policies and objectives of the Government to protect the health and welfare of members of the public, and
- (v) the role of adequate housing in protecting public safety.”

—*Senator Alice-Mary Higgins.*

9. In page 8, to delete lines 8 to 12.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

SECTION 5

10. In page 8, to delete lines 16 to 18.

—*Senator Lynn Ruane, Máire Devine, Niall Ó Donnghaile, Fintan Warfield, Paul Gavan.*

11. In page 9, to delete lines 3 and 4.

—*Senator Lynn Ruane.*

[0]

SECTION 7

Section opposed.

—*Senator Lynn Ruane.*

SECTION 8

12. In page 10, to delete lines 12 and 13.

—*Senator Lynn Ruane.*

13. In page 10, between lines 13 and 14, to insert the following:

“(3) The obligations of landlords under section 12 of the Act of 2004 shall be maintained in full during the emergency period.”.

—*Senator Alice-Mary Higgins.*

14. In page 10, between lines 13 and 14, to insert the following:

“(3) For the sole purpose of this section, tenancy under this section also applies to licensees as defined under the Residential Tenancies Act 2004.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

SECTION 9

15. In page 10, between lines 13 and 14, to insert the following:

“PART 3

AMENDMENT OF HOUSING (MISCELLANEOUS PROVISIONS) ACT 1992

Prohibition of removal of current temporary dwellings from certain locations

9. Section 10 of the Housing (Miscellaneous Provisions) Act 1992 shall not have effect during the emergency period.”.

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

16. In page 10, between lines 13 and 14, to insert the following:

“9. All Housing Assistance top-up payments shall be compensated by the Minister for Housing, Planning and Local Government to tenants affected by Covid-19.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

17. In page 10, between lines 13 and 14, to insert the following:

“9. All relevant payments for accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 shall be refunded within three months for the relevant period if the accommodation has been vacated by the licensee due to the suspension of higher education activity due to Covid-19.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

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18. In page 10, between lines 13 and 14, to insert the following:

“9. The Residential Tenancies Board shall issue a report assessing the effectiveness of the measures contained in this Part and *Part 1* after a three month period. Said report shall be laid before both Houses of the Oireachtas. The report shall cover—

- (a) adherence to this Part and *Part 1*,
- (b) complaints and disputes arising under this Part and *Part 1*,
- (c) impact on rental unit supply, and
- (d) any other relevant matters.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

19. In page 10, between lines 13 and 14, to insert the following:

“9. All fees under section 137 of the Residential Tenancies Act 2004, as amended by the Residential Tenancies (Amendment) Act 2019, are suspended for a 12 month period effective from the 30th day of March 2020.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

20. In page 10, between lines 13 and 14, to insert the following:

“9. The Minister shall publish regulations setting out payment break criteria for all mortgages under the Re-Building Ireland Home Loan Scheme.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

21. In page 10, between lines 13 and 14, to insert the following:

“9. The Minister shall publish regulations setting out payment break criteria for all mortgages under credit servicing firms as defined by the Consumer Protection (Regulation of Credit Servicing Firms) Act 2018.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

22. In page 10, between lines 13 and 14, to insert the following:

“9. The Minister may, following consultation with the Minister for Health and the Minister for Public Expenditure and Reform and Members of the Oireachtas, make regulations to prohibit the issuing of Notices to Quit, evictions or rent increases to people renting under licence or with informal rent-a-room arrangements during the emergency period.”.

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

23. In page 10, between lines 13 and 14, to insert the following:

“9. The Minister may, within one month of the passing of this Bill and following consultation with the Minister for Health, the Minister for Public Expenditure and Reform, Members of the Oireachtas and organisations representing landlords, tenants and mortgage lenders, publish a report outlining measures that would provide for rent reductions or waivers for those in the private rented sector who due to loss of income arising from Covid-19 restrictions have accumulated significant rent arrears debt during the emergency period.”.

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

24. In page 10, line 25, after “Act” to insert “, with the exception of Part II”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

25. In page 10, between lines 34 and 35, to insert the following:

“(2A) Where calculating any appropriate period, specified period or other time limit referred to in Part II of this Act, or in any regulations made under those Acts or provisions, the period referred to in subsection (2B) shall be disregarded.

(2B) The period to be disregarded under subsection (2A) is the period beginning immediately/on the date *section 7 and 8 of the Emergency Measures in the Public Interest (Covid-19) Act 2020* comes into operation and, subject to subsection (6), ending on the date that shall be specified by order under subsection (3) or that may be specified by order under subsection (4).”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

SECTION 10

26. In page 13, line 34, to delete “application.” and substitute the following:

“application.

(10) A person living in direct provision who has qualified and practiced as a dentist outside of this jurisdiction may also apply for registration.”.

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

SECTION 11

27. In page 15, line 27, to delete “application.” and substitute the following:

“application.

(9) A person living in direct provision who has qualified and practiced as the relevant designated profession outside of this jurisdiction may also apply for registration.”.

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

SECTION 12

28. In page 17, line 10, to delete “application.” and substitute the following:

“application.

(9) A person living in direct provision who has qualified and practiced as a pharmacist outside of this jurisdiction may also apply for registration.”.

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

[0]

SECTION 13

29. In page 18, line 34, to delete “application.” and substitute the following:

“application.

- (9) A person living in direct provision who has qualified and practiced as a medical practitioner outside of this jurisdiction may also apply for registration.”.”.

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

SECTION 14

30. In page 21, line 5, to delete “application.” and substitute the following:

“application.

- (9) A person living in direct provision who has qualified and practiced as a nurse or midwife outside of this jurisdiction may also apply for registration.”.”.

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

SECTION 15

31. In page 21, between lines 5 and 6, to insert the following:

“Amendment of Nurses and Midwives Act 2011

15. The Nurses and Midwives Act 2011 is amended by the insertion of the following new section after section 107:

- “108.** (1) A nurse or midwife resident in the State who has qualified or practised in Northern Ireland, Scotland, England or Wales may make an application to the Board to be registered in the register of nurses and midwives pursuant to this section.
- (2) Subject to subsections (3) to (7), the provisions of this Act shall, with all necessary modifications, apply to—
- (a) a section 108 registration as they apply to a registration in the register of nurses and midwives effected by another section of this Act, and
- (b) a section 108 registrant as they apply to a registered nurse or registered midwife, as appropriate, who is not a section 108 registrant.
- (3) No fee shall be charged for, or relating to—
- (a) a section 108 application, or
- (b) a section 108 registration or the retention of such registration.
- (4) Where a nurse or midwife’s name is entered in the register of nurses and midwives pursuant to a section 108 registration, the Board shall enter in that register, or cause to be entered in that register, the term

‘(section 108 registration)’ immediately after the name to indicate that his or her registration arises from the operation of this section.

- (5) (a) Nothing in this section shall be construed to prevent a nurse or midwife’s name from being entered in the register of nurses and midwives pursuant to the operation of another section of this Act, whether or not his or her name is already entered in that register pursuant to a section 108 registration.
- (b) Where a nurse or midwife’s name is entered in the register of nurses and midwives pursuant to the operation of this Act (other than this section) when his or her name is already entered in that register pursuant to a section 108 registration, the Board shall remove from that register, or cause to be removed from that register, the latter entry at the same time as the first-mentioned entry is made.
- (c) The refusal of a section 108 registration for a nurse or midwife shall not prevent that registrant from making an application under another section of this Act to be registered in the register of nurses and midwives.
- (6) (a) Subject to subsection (7), each section 108 registration that is still in force on the 31st day of July 2020, shall, on and after that date, cease to have effect.
- (b) The Board shall remove from the register of nurses and midwives, or cause to be removed from that register, on the date referred to in paragraph (a), or as soon as is practicable thereafter, each name that was entered in that register pursuant to a section 108 registration.
- (7) (a) The Minister may, by order, specify a different date for the purposes of subsection (6) (including a different date for a previous different date specified in an order made under this paragraph), and if the Minister so specifies, that subsection shall be construed, with all necessary modifications, to take account of that first-mentioned date.
- (b) Section 3(3) shall, with all necessary modifications, apply to an order made under paragraph (a) as that section applies to a regulation made under this Act.
- (8) In this section—
- ‘nurse or midwife’ means a nurse or midwife, as appropriate, who is resident in the State but has practiced in another state;
- ‘section 108 application’ means an application under subsection (1);
- ‘section 108 registrant’ means a registered nurse or registered midwife, as appropriate, who is such pursuant to—
- (a) the Board’s determination of a section 108 application, or

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- (b) a decision (howsoever called) of the Court arising from the Board's determination of a section 108 application;

'section 108 registration' means registration in the register of nurses and midwives pursuant to—

- (a) the Board's determination of a section 108 application, or
- (b) a decision (howsoever called) of the Court arising from the Board's determination of a section 108 application.”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

SECTION 16

- 32. In page 21, line 19, after “Covid-19” to insert “having regard for the vindication of the rights of patients while minimising the care burden”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

- 33. In page 21, line 27, after “Covid-19” to insert “having regard for the vindication of the rights of patients while minimising the care burden”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

SECTION 17

- 34. In page 22, line 6, after “concerned” to insert “, in person or by remote consultation”.

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

- 35. In page 22, line 12, after “writing” to insert “, in a form provided by the Mental Health Commission,”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

- 36. In page 22, line 19, after “writing” to insert “, in a form provided by the Mental Health Commission,”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

SECTION 18

- 37. In page 23, line 21, to delete “subsection.”,” and substitute the following:

“subsection.

- (3C) The exemption outlined under subsection (3B), shall not be applicable on more than three consecutive occasions in relation to the same individual.”.”.

—*Senator Alice-Mary Higgins.*

SECTION 20

- 38. In page 24, line 21, after “appointment” to insert the following:

“and one member who shall be either a consultant psychiatrist or a member who is registered at the level of clinical nurse specialist in psychiatry, or above”.

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

SECTION 21

39. In page 24, line 31, after “statement” to insert the following:

“in a form provided by the Mental Health Commission, or give evidence by telephone or other electronic means”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

40. In page 24, line 32, after “direction” to insert “, having regard to the administrative burden and administrative capacity”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

41. In page 25, line 3, after “writing” to insert “, or by telephone or other electronic means,”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

SECTION 27

42. In page 26, line 15, after “Minister” to insert “, on the advice of the Defence Forces Chief of Staff”.

—*Senator Gerard P. Craughwell.*

43. In page 26, line 16, after “where” to insert “, on the advice of the Defence Forces Chief of Staff,”.

—*Senator Gerard P. Craughwell.*

44. In page 26, line 19, to delete “in his or her opinion” and substitute “in the opinion of the Defence Forces Chief of Staff”.

—*Senator Gerard P. Craughwell.*

45. In page 26, line 22, after “may” to insert “, on the advice of the Defence Forces Chief of Staff,”.

—*Senator Gerard P. Craughwell.*

46. In page 26, line 24, to delete “in his or her opinion” and substitute “in the opinion of the Defence Forces Chief of Staff”.

—*Senator Gerard P. Craughwell.*

47. In page 26, line 27, to delete “section.” and substitute the following:

“section.

(5) Enlisted personnel who re-enlist to support the State may, following the COVID-19 emergency period, seek their discharge on request without incurring any charges as set out in section 75.

(6) Personnel who re-enlist will have their civilian employment fully protected for the duration of the COVID-19 emergency as determined by the Government.

(7) Military service allowance shall be paid to all serving personnel during the period of the COVID-19 crisis.

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(8) Pension abatement shall not apply to personnel who have re-enlisted under this Act.”.

—*Senator Gerard P. Craughwell.*

48. In page 26, lines 28 and 29, to delete all words from and including “and” in line 28 down to and including line 29 and substitute the following:

- “(d) in section 69, by the substitution of “section 53 or 53A” for “section 53”,
- (e) in section 4(4), by the substitution of “Dáil Éireann” for “each House of the Oireachtas”,
- (f) in section 4(5), by the substitution of “Dáil Éireann” for “either House of the Oireachtas”, and
- (g) the amendments to section 4 of the Defence Act 1954 shall lapse when the Covid-19 emergency is over.”.

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

SECTION 28

49. In page 28, to delete lines 19 to 21 and substitute the following:

“ “applicable period” means—

- (a) the period of 12 weeks commencing on 26 March 2020, and
- (b) such other period (if any) as may be specified by order under *subsection (20)#*.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

[#This is a reference to a subsection proposed to be inserted by amendment No. 56.]

50. In page 28, after line 38, to insert the following:

- “(2) (a) Provision shall be made for employees in PRSI Tax Class S who are employed by the businesses specified in *subsection (3)#* to apply for the temporary wage subsidy specified under this section with immediate effect.
- (b) For the purposes of administering the temporary wage subsidy, employees in PRSI Tax Class S shall be required to submit documentary evidence of average income from the specified business to the Revenue Commissioners.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

[#This reference is correct if this amendment is accepted.]

51. In page 29, lines 7 to 10, to delete all words from and including “the” where it secondly occurs in line 7 down to and including “period” in line 10 and substitute the following:

“committed to continuing to employ the specified employee for the duration of the emergency period and, to pay to the employee the emoluments referred to in *paragraph (a)* during the applicable period, except in the case of bankruptcy or proven inability to pay”.

—*Senator Alice-Mary Higgins.*

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52. In page 29, line 10, to delete “and” and substitute the following:

“(c) the business, or class of business, of an employer has not been requested to close by the Minister for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19 or to deal with public health risks arising from the spread of Covid-19, and where an exception has not been made for that employer by the Minister, and

(d) the employer pays the specified employee the emoluments that would otherwise have been normally paid to the employee for the specified period beyond that which is paid through the temporary wage subsidy.”.

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

53. In page 29, line 16, after “commerce” to insert the following:

“they are unable to pay to a specified employee 70 per cent of the net weekly emoluments that would have otherwise been payable, or some lower percentage as considered appropriate by the Minister or”.

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

54. In page 31, between lines 17 and 18, to insert the following:

“(7) Any period of time during which the wage subsidy provided for by this section is in payment shall not be considered a break in the employee’s service.”.

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

55. In page 32, between lines 19 and 20, to insert the following:

“(16) Where an employer fails to retain a specified employee for a period of 12 months after the specified period for reasons related to the temporary wage subsidy, the employer shall be liable for penalty.”.

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

56. In page 33, to delete lines 9 to 13 and substitute the following:

“(20) The Minister may, subject to a vote of approval in advance by both Houses of the Oireachtas, from time to time, by order extend the applicable period# for such period as he or she considers appropriate.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

[#This is a reference to the definition proposed to be inserted by amendment No 49.]

57. In page 33, between lines 18 and 19, to insert the following:

“(23) Any employer availing of wage subsidy provisions under this section shall not pay share dividends, bonuses or increase wages for employees earning over €100,000 per annum during the period of time in which that employer is availing of wage subsidy provisions for any of their employees.”.

—*Senator Alice-Mary Higgins.*

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SECTION 29

58. In page 33, between lines 18 and 19, to insert the following:

“Covid-19 Pandemic Unemployment Payment rate

29. The Minister shall set the rate of Pandemic Unemployment Payment at 100 per cent of the applicant’s former net pay, or income from self-employment, up to a maximum of €525 per week.”.

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

59. In page 33, line 35, after “that is” to insert “not more than 3 months”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

60. In page 34, to delete line 29 and substitute the following:

“(5) Any time spent laid off or on short time as a result of measures referenced in subsection (1) shall not be considered a break in service for the purposes of calculating redundancy entitlements in the future.

(6) In this section—”.

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

SECTION 32

61. In page 37, line 21, after “specify.” to insert the following:

“An tArd-Chláraitheoir shall produce and publish those requirements within a period of 28 days from the passing of this Act.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

NEW SECTION

62. In page 39, after line 35, to insert the following:

“PART 10

AMENDMENT TO STATUTE OF LIMITATIONS 1957

Amendment to Statute of Limitations 1957

34. The Statute of Limitations 1957 is amended by the insertion of the following new section 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 13 March 2020 and ending on 5 June 2020 shall be disregarded.

(2) The date of 5 June 2020 may be extended by order of the Minister for Justice and Equality.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

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63. In page 39, after line 35, to insert the following:

“PART 10

AMENDMENT TO PART 10 OF COMPANIES ACT 2014 - EXAMINERSHIP

Amendment of section 520 of Companies Act 2014

34. Section 520 of the Companies Act 2014 is amended by the insertion of the following new subsection after subsection (2):

“(2A) The period specified in subsection (2) may be extended to a date no later than 30 October 2020 if the court hearing the petition is satisfied that the company’s inability to pay its debts arises from the emergency caused by virtue of the spread of the disease known as Covid-19.”.

Amendment of section 534 of Companies Act 2014

35. Section 534 of the Companies Act 2014 is amended by the insertion of the following new subsection after subsection (3):

“(3A) Where, on the application of the examiner, the court is satisfied that the examiner would be unable to report under subsection (2) to the court within the period specified under section 520(2A) because of the emergency caused by virtue of the spread of the disease known as Covid-19 but that he or she would be able to report under subsection (2) to the court if that period were extended, the court may by order extend that period as the court thinks appropriate to enable him or her to do so.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

64. In page 39, after line 35, to insert the following:

“PART 10

AMENDMENTS TO THE LANDLORD AND TENANT (AMENDMENT) ACT 1980

34. The Landlord and Tenant (Amendment) Act 1980 is amended by the insertion of the following new section after section 88:

“89. (1) In this section—

‘emergency period’ means the period beginning on 26 March 2020 and ending on 31 May 2020.

(2) Any provision of a lease requiring a tenant to keep a premises open for a specified period or specified hours shall be dis-applied during the emergency period.

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- (3) A landlord shall not be entitled to rely on any failure on the part of a tenant to keep a premises open during the emergency period as constituting a breach of the relevant lease or tenancy pursuant to which the said premises is occupied.
- (4) Any failure on the part of a tenant to keep a premises open during the emergency period shall not constitute a breach of the relevant lease or tenancy pursuant to which the said premises is occupied.”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

65. In page 39, after line 35, to insert the following:

“PART 10

AMENDMENTS TO THE NON-FATAL OFFENCES AGAINST THE PERSON, 1997

34. Section 6(2)(a) of the Non-Fatal Offences Against the Person Act, 1997 is amended by the deletion of the words “resembling blood”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

66. In page 39, after line 35, to insert the following:

“PART 10

AMENDMENT TO LOCAL GOVERNMENT RATES AND OTHER MATTERS ACT 2019

Amendment of section 4 of Local Government Rates and Other Matters Act 2019

34. The Local Government Rates and Other Matters Act 2019 is amended by the insertion of the following new section after section 4:

“4A. (1) In this section—

‘relevant property’ has the same meaning as it has in the Valuation Act 2001;

‘emergency period’ means the period beginning on 26 March 2020 and ending on 31 May 2020.

- (2) Where a relevant property is occupied by a person engaged in a business and the business of that person has been adversely affected by Covid-19 to a significant extent, the emergency period shall not be reckonable in the calculation of the rate levied by a rating authority in the local financial year.
- (3) When calculating the amount of the rate to be levied in accordance with the formula provided for in section 4(2) the rating authority shall deduct from the amount calculated as ordinarily payable a sum equivalent to that proportion of the rate attributable to the emergency

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period.”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

67. In page 39, after line 35, to insert the following:

“PART 10

AMENDMENT OF LANDLORD AND TENANT (AMENDMENT) ACT 1980

Amendment of section 88 of Landlord and Tenant (Amendment) Act 1980

34. The Landlord and Tenant (Amendment) Act 1980 is amended by the insertion of the following new section after section 88:

“89. (1) In this section—

‘emergency period’ means the period beginning on 26 March 2020 and ending on 31 May 2020.

(2) A landlord shall not terminate or serve a notice of termination in relation to a lease or tenancy during the emergency period.

(3) A tenant who, but for the operation of subsection (2), would not acquire any rights under Part II of this Act shall not, by virtue of such operation, acquire such rights.”.”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

68. In page 39, after line 35, to insert the following:

“PART 10

CALCULATION OF TIME LIMITS RELATING TO VARIOUS SECTORAL CONSENT AND PERMITTING PROCEDURES

Calculation of time limits during emergency

34. (1) The application procedures for licences, consents and permits listed in *subsection (2)* are amended by the insertion of the following provisions, numbered appropriately for each Act:

(a) where calculating any time limit referred to in respect of the making of observations on licences or permits, leases or other consent applications, or renewals thereof as specified under this Part, or in relation to the time frames for the making of decisions on such applications, or an appeal or application for Judicial Review of such decisions, the period referred to in *paragraph (b)* shall be disregarded;

(b) the period to be disregarded under *paragraph (a)* is the period beginning on the date the relevant Minister commences this Act and, subject to *paragraph (f)*, ending on the date that shall be specified by order under *paragraph (c)* or that

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may be specified by order under *paragraph (d)*;

- (c) immediately following the coming into operation of *section 10* the Government shall, at the request of the Minister made after consultation with the Minister for Health and with the consent of the Minister for Public Expenditure and Reform, by order specify the date on which the period to be disregarded under *paragraph (a)* shall end;
- (d) the Government, at the request of the Minister made after consultation with the Minister for Health, and then after consultation with the public, and with the consent of the Minister for Public Expenditure and Reform, may by order—
 - (i) before the expiration of the period specified in the order under *paragraph (c)* specify a date later than the date specified in that order on which the period to be disregarded under *paragraph (a)* shall end, and
 - (ii) thereafter, from time to time, but before the expiration of the period specified in the order made under *subparagraph (i)*, or where an order has been previously made under this subparagraph, before the expiration of the period specified in the last order so made, specify a date later than the date specified in that order, on which the period to be disregarded under *paragraph (a)* shall end;
- (e) the Government, in deciding the date that shall be specified by order under *paragraph (c)*, or that may be specified by order under *paragraph (d)*, shall have regard to—
 - (i) the nature and potential 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 and objectives of the Government to protect the health and welfare of members of the public,
 - (iv) the need to mitigate the economic effects of the spread of Covid-19,
 - (v) the need to ensure the effective operation of the regulatory and consent systems and provide, in the interest of the common good, for environmental protection,
 - (vi) the need to ensure the effective operation of the regulatory control system and to protect the health, safety and welfare of persons engaged in operations governed by this Act, and
 - (vii) the need to mitigate the likely impact of Covid-19 on the availability of the resources of the State to perform functions governed by this Act;
- (f) the date that shall be specified by order under *paragraph (c)*, or that may be specified by order under *paragraph (d)*, as the date on which the period to be disregarded under *paragraph (a)* shall end, shall be a date not later than the 9th day of November 2020;

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(g) in this section ‘Covid-19’ means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations.

(2) The licences, consents, permits or leases referred to in *subsection (1)*, are as follows:

(a) licences, consents and permits or leases granted under the following Acts:

(i) the Air Pollution Act 1987;

(ii) the Environmental Protection Agency Act 1992;

(iii) the Waste Management Act 1996;

(iv) the Local Government (Water Pollution) Act 1977;

(b) a licence granted under section 63, or a water services licence granted under section 81, of the Water Services Act 2007;

(c) a waste collection permit granted pursuant to section 34, or a waste licence granted pursuant to section 40, of the Act of 1996;

(d) a licence granted pursuant to section 23(6), 26 or 29 of the Wildlife Act 1976;

(e) a permit granted pursuant to section 5 of the Dumping at Sea Act 1996;

(f) a licence granted under section 7 of the Forestry Act 2014;

(g) a licence or registration granted pursuant to regulations made under section 30 of the Radiological Protection Act 1991;

(h) a lease made under section 2, or a licence granted under section 3 of the Foreshore Act 1933;

(i) a prospecting licence granted under section 8, a State acquired minerals licence granted under section 22 or an ancillary rights licence granted under section 40, of the Minerals Development Act 1940;

(j) an exploration licence granted under section 8, a petroleum prospecting licence granted under section 9, a reserved area licence granted under section 19, or a working facilities permit granted under section 26, of the Petroleum and Other Minerals Development Act 1960;

(k) a consent pursuant to section 40 of the Gas Act 1976;

(l) a consent to a plan or project for which a screening for appropriate assessment is required under regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011); and

(m) a consent or notice under Regulation 43 of those Regulations.”.

—*Senator Alice-Mary Higgins.*

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TITLE

69. In page 6, line 3, after “2004;” to insert the following:

“to amend the Statute of Limitations Act 1957 to disregard a certain period of time for the purpose of that statute;”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*

70. In page 6, line 3, after “2004;” to insert the following:

“to amend Part 10 of the Companies Act 2014 to extend the time period in which a company in examinership can be protected from its creditors if its inability to pay its debts arises by virtue of the emergency caused by the spread of Covid-19;”.

—*Senators Catherine Ardagh, Lorraine Clifford-Lee, Gerry Horkan.*