



**An Bille Sláinte agus Ceartais Choiriúil (Covid-19)
(Leasú) (Uimh. 2), 2021**
**Health and Criminal Justice (Covid-19) (Amendment)
(No. 2) Bill 2021**

Meabhrán Míniúcháin agus Airgeadais
Explanatory and Financial Memorandum



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EXPLANATORY AND FINANCIAL MEMORANDUM

Purpose of the Bill

The current public health emergency required the State, having regard to the need to preserve and protect public health, to introduce a range of extraordinary time-limited measures and safeguards to prevent, minimise, limit, or reduce the risk of persons being infected with Covid-19. These measures and safeguards continue to form part of the effort on the part of the State to stop the spread of Covid-19 and to preserve and protect public health, along with the vaccination programme.

Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020, the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020, the Health (Amendment) Act 2020 and the Health (Amendment) (No. 2) Act 2021 were all enacted as temporary measures and were, therefore, time-limited. The relevant provisions of the Health (Amendment) (No. 2) Act 2021 expire on 9 January 2022 and the remaining three Acts (or parts thereof) expire on 9 February 2022.

The trajectory of the disease continues to be precarious and uncertain. Covid-19 continues to put the health system in the State under significant and sustained pressure, including by reason of the spread of the virus and variants of the virus in relation to which evidence of increased transmissibility and the potential to evade immune response exists. It is in this context that the emergency provisions in the four named Acts, aimed at preventing the spread of Covid-19, are required to allow the Government to have access to the full suite of measures to enable a flexible, proportionate and lawful response.

The purpose of this Bill is to extend the period of application of these provisions to 31 March 2022 and provide that they may be further extended for up to three months by a resolution passed by each House of the Oireachtas.

Summary of Bill Sections

Section 1 of the Bill provides for an amendment to Section 2(3)(b) of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 to allow for Part 3 of the Act to continue in operation, beginning on 10 February 2022 and ending on 31 March 2022 or the date specified in a resolution passed by each House of the Oireachtas under new subsection (6). Subsection (6) provides that each House of the Oireachtas may pass a resolution to extend the date of operation of Part 3 for a period that does not exceed 3 months.

Section 2 of the Bill provides for an amendment to Sections 17(3) and 17(4) of the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020. The Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 is due to expire on 9 February 2022. The amendment to Section 17 will allow the Act to continue in operation beginning on 10 February and ending on 31 March 2022 or the date specified in a resolution passed by each House of the Oireachtas under new subsection (4). Subsection (4) provides that each House of the Oireachtas may pass a resolution to extend the date of operation for a period not exceeding 3 months.

Section 3 of the Bill provides for an amendment to Sections 6(3) and 6(4) of the Health (Amendment) Act 2020. The Act is due to expire on 9 February 2022. The amendment in Section 6 provides for the Act to continue in operation beginning 10 February 2022 and ending 31 March 2022 or the date specified in a resolution passed by each House of the Oireachtas under the amended subsection (4). Subsection (4) provides that each House of the Oireachtas may pass a resolution to extend the date of operation of the Act for a period not exceeding 3 months.

Section 4 of the Bill provides for an amendment to Sections 1(3) and 1(4) of the Health (Amendment) (No. 2) Act 2021. This Act is due to expire on 9 January 2022. The amendment in Section 1(3) allows for Part 2 of the Health (Amendment) (No. 2) Act 2021 to continue in operation beginning 10 January 2022 and ending 31 March 2022 or the date specified in a resolution passed by each House of the Oireachtas under the amended subsection (4). Subsection (4) provides that each House of the Oireachtas may pass a resolution to extend the date of operation of the Act for a period not exceeding 3 months.

Section 5 of the Bill provides for the title of the Bill as the Health and Criminal Justice (Covid-19) (Amendment) (No. 2) Bill 2021. It provides that the Bill, other than Section 4, shall come into operation on the 10th day of February 2022 and that Section 4 shall come into operation on the 10th day of January 2022.

Financial Implications of the Bill

Statutory measures made under the Acts amended by the Health and Criminal Justice (Covid-19) (Amendment) (No. 2) Bill 2021 are deemed necessary to help stop the transmission of Covid-19. There are no direct costs to the Exchequer associated with making these statutory measures.

*An Roinn Sláinte,
Nollaig, 2021.*