



DÁIL ÉIREANN

AN BILLE SLÁINTE AGUS CEARTAIS CHOIRIÚIL (COVID-19) (LEASÚ), 2021 HEALTH AND CRIMINAL JUSTICE (COVID-19) (AMENDMENT) BILL 2021

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE SLÁINTE AGUS CEARTAIS CHOIRIÚIL (COVID-19) (LEASÚ), 2021 —AN COISTE

HEALTH AND CRIMINAL JUSTICE (COVID-19) (AMENDMENT) BILL 2021 —COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 5, line 9, to delete “the 9th day of November 2021” and substitute “the 14th day of July 2021”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

2. In page 5, line 9, to delete “November 2021” and substitute “September 2021”.

—Denis Naughten, Cathal Berry, Seán Canney, Peter Fitzpatrick, Noel Grealish,
Michael Lowry, Matt Shanahan, Alan Kelly.

3. In page 5, line 9, to delete “November 2021” and substitute “July 2021”.

—David Cullinane, Mark Ward.

4. In page 5, to delete lines 10 and 11 and substitute the following:

“(ii) the date that is specified in a resolution passed by each House of
the Oireachtas under subsection (6).”.

—An tAire Sláinte.

5. In page 5, to delete lines 14 to 21 and substitute the following:

“(6) Each House of the Oireachtas may, before the 9th day of November
2021, pass a resolution to continue in operation the amendments
effected by Part 3 for such period, not exceeding 3 months, that ends
on a date specified in the resolution.”.

—An tAire Sláinte.

6. In page 5, line 14, to delete “, from time to time,”.

—David Cullinane, Mark Ward.

7. In page 5, line 16, to delete “3 months” and substitute “2 months”.

—David Cullinane, Mark Ward.

[SECTION 1]

8. In page 5, line 17, after “passed” to insert the following:

“subject to a review of the operation, impact and proportionality of the extraordinary measures in the context of preventing, minimising, limiting or reducing the risk of persons being infected with that disease being laid before each House of the Oireachtas.”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

9. In page 5, line 18, to delete “the 9th day of November 2021” and substitute “the 14th day of July 2021”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

10. In page 5, line 18, to delete “November 2021” and substitute “September 2021”.

—Denis Naughten, Cathal Berry, Seán Canney, Peter Fitzpatrick, Noel Grealish,
Michael Lowry, Matt Shanahan, Alan Kelly.

11. In page 5, line 18, to delete “November 2021” and substitute “July 2021”.

—David Cullinane, Mark Ward.

Section opposed.

—Mattie McGrath, Richard O'Donoghue, Danny Healy-Rae, Carol Nolan, Michael Healy-Rae, Michael Collins.

SECTION 2

12. In page 5, between lines 21 and 22, to insert the following:

- “2. The Health Act 1947 is amended in section 31A(3) by the addition of the following paragraph after paragraph (b):

“(c) shall notify and lay before each House of the Oireachtas a copy of the regulations not less than 48 hours before they come into effect.”.”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

13. In page 5, line 29, to delete “the 9th day of November 2021” and substitute “the 14th day of July 2021”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

14. In page 5, line 29, to delete “November 2021” and substitute “September 2021”.

—Denis Naughten, Cathal Berry, Seán Canney, Peter Fitzpatrick, Noel Grealish,
Michael Lowry, Matt Shanahan, Alan Kelly.

[SECTION 2]

15. In page 5, line 29, to delete “November 2021” and substitute “July 2021”.

—David Cullinane, Mark Ward.

16. In page 5, to delete lines 30 and 31 and substitute the following:

“(b) the date that is specified in a resolution passed by each House of the Oireachtas under subsection (4).”.

—An tAire Sláinte.

17. In page 5, to delete lines 32 to 37, and in page 6, to delete lines 1 to 3 and substitute the following:

“(4) Each House of the Oireachtas may, before the 9th day of November 2021, pass a resolution to continue in operation the amendments to, and other modifications of, the Mental Health Act 2001 effected by Part 5 for such period, not exceeding 3 months, that ends on a date specified in the resolution.”.

—An tAire Sláinte.

18. In page 5, line 32, to delete “, from time to time,”.

—David Cullinane, Mark Ward.

19. In page 5, line 35, to delete “3 months” and substitute “2 months”.

—David Cullinane, Mark Ward.

20. In page 5, line 36, after “passed” to insert the following:

“subject to a review of the operation, impact and proportionality of the extraordinary measures in the context of preventing, minimising, limiting or reducing the risk of persons being infected with that disease being laid before each House of the Oireachtas,”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan, Jennifer Whitmore.

21. In page 5, line 37, to delete “the 9th day of November 2021” and substitute “the 14th day of July 2021”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan, Jennifer Whitmore.

22. In page 5, line 37, to delete “November 2021” and substitute “September 2021”.

—Denis Naughten, Cathal Berry, Seán Canney, Peter Fitzpatrick, Noel Grealish, Michael Lowry, Matt Shanahan, Alan Kelly.

23. In page 5, line 37, to delete “November 2021” and substitute “July 2021”.

—David Cullinane, Mark Ward.

[SECTION 2]

24. In page 6, lines 4 and 5, to delete “the 9th day of November 2021” and substitute “the 14th day of July 2021”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

25. In page 6, line 5, to delete “November 2021” and substitute “September 2021”.

—Denis Naughten, Cathal Berry, Seán Canney, Peter Fitzpatrick, Noel Grealish,
Michael Lowry, Matt Shanahan, Alan Kelly.

26. In page 6, line 5, to delete “November 2021” and substitute “July 2021”.

—David Cullinane, Mark Ward.

27. In page 6, line 5, to delete “stands” and substitute “is”.

—An tAire Sláinte.

Section opposed.

—Mattie McGrath, Richard O’Donoghue, Danny Healy-Rae, Carol Nolan, Michael Healy-Rae, Michael Collins, David Cullinane, Mark Ward.

SECTION 3

28. In page 6, line 16, to delete “the 9th day of November 2021” and substitute “the 14th day of July 2021”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

29. In page 6, line 16, to delete “November 2021” and substitute “September 2021”.

—Denis Naughten, Cathal Berry, Seán Canney, Peter Fitzpatrick, Noel Grealish,
Michael Lowry, Matt Shanahan, Alan Kelly.

30. In page 6, line 16, to delete “November 2021” and substitute “July 2021”.

—David Cullinane, Mark Ward.

31. In page 6, to delete lines 17 and 18 and substitute the following:

“(b) the date that is specified in a resolution passed by each House of the Oireachtas under subsection (4).”.

—An tAire Sláinte.

32. In page 6, to delete lines 19 to 25 and substitute the following:

“(4) Each House of the Oireachtas may, before the 9th day of November 2021, pass a resolution to continue this Act in operation for such period, not exceeding 3 months, that ends on a date specified in the resolution.”.

—An tAire Sláinte.

33. In page 6, line 19, to delete “, from time to time,”.

—David Cullinane, Mark Ward.

[SECTION 3]

34. In page 6, lines 20 and 21, to delete “3 months” and substitute “2 months”.

—David Cullinane, Mark Ward.

35. In page 6, line 22, after “passed” to insert the following:

“subject to a review of the operation, impact and proportionality of the extraordinary measures in the context of preventing, minimising, limiting or reducing the risk of persons being infected with that disease being laid before each House of the Oireachtas.”

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

36. In page 6, line 23, to delete “the 9th day of November 2021” and substitute “the 14th day of July 2021”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

37. In page 6, line 23, to delete “November 2021” and substitute “September 2021”.

—Denis Naughten, Cathal Berry, Seán Canney, Peter Fitzpatrick, Noel Grealish,
Michael Lowry, Matt Shanahan, Alan Kelly.

38. In page 6, line 23, to delete “November 2021” and substitute “July 2021”.

—David Cullinane, Mark Ward.

Section opposed.

—Mattie McGrath, Richard O’Donoghue, Danny Healy-Rae, Carol Nolan, Michael Healy-Rae, Michael Collins.

SECTION 4

39. In page 6, between lines 25 and 26, to insert the following:

“4. Section 31A of the Health Act 1947 is amended—

- (a) in subsection (6C) by the addition of the following paragraph after paragraph (d):

“(e) The Minister shall, before prescribing a fixed penalty provision in regulations under this section, notify and lay before each House of the Oireachtas a copy of the regulations not less than 48 hours before they come into effect.”,

and

- (b) in subsection (6D) by the addition of the following paragraph after paragraph (c):

“(d) The Minister shall, before prescribing a dwelling event provision in regulations under this section, notify and lay before each House of the Oireachtas a copy of the regulations not less than 48 hours before they come into effect.”.”

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,

[SECTION 4]

Jennifer Whitmore.

40. In page 6, line 30, to delete “the 9th day of November 2021” and substitute “the 14th day of July 2021”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

41. In page 6, line 30, to delete “November 2021” and substitute “September 2021”.

—Denis Naughten, Cathal Berry, Seán Canney, Peter Fitzpatrick, Noel Grealish,
Michael Lowry, Matt Shanahan, Alan Kelly.

42. In page 6, line 30, to delete “November 2021” and substitute “July 2021”.

—David Cullinane, Mark Ward.

43. In page 6, to delete lines 31 and 32 and substitute the following:

“(b) the date that is specified in a resolution passed by each House of the Oireachtas under subsection (4).”.

—An tAire Sláinte.

44. In page 6, to delete lines 33 to 39 and substitute the following:

“(4) Each House of the Oireachtas may, before the 9th day of November 2021, pass a resolution to continue this Act in operation for such period, not exceeding 3 months, that ends on a date specified in the resolution.”.

—An tAire Sláinte.

45. In page 6, line 33, to delete “, from time to time,”.

—David Cullinane, Mark Ward.

46. In page 6, lines 34 and 35, to delete “3 months” and substitute “2 months”.

—David Cullinane, Mark Ward.

47. In page 6, line 36, after “passed” to insert the following:

“subject to a review of the operation, impact and proportionality of the extraordinary measures in the context of preventing, minimising, limiting or reducing the risk of persons being infected with that disease being laid before each House of the Oireachtas,”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

48. In page 6, line 37, to delete “the 9th day of November 2021” and substitute “the 14th day of July 2021”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

[SECTION 4]

49. In page 6, line 37, to delete “November 2021” and substitute “September 2021”.

—Denis Naughten, Cathal Berry, Seán Canney, Peter Fitzpatrick, Noel Grealish,
Michael Lowry, Matt Shanahan, Alan Kelly.

50. In page 6, line 37, to delete “November 2021” and substitute “July 2021”.

—David Cullinane, Mark Ward.

SECTION 5

51. In page 6, after line 39, to insert the following:

“5. All regulations made after the enactment of this Act under—

- (a) the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020,
- (b) the Emergency Measures in the Public Interest (Covid-19) Act 2020,
- (c) the Health (Amendment) Act 2020, and
- (d) the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020,

shall be laid before each House of the Oireachtas as soon as may be after it is made and—

- (i) where, before the date on which *paragraph (b)* would have effect, a resolution annulling the instrument is passed by either such House, the instrument shall be annulled accordingly but without prejudice to the validity of anything previously done under it, or
- (ii) if, in respect of each House, a resolution confirming the instrument is not passed by it on the day it is laid before that House or within the next 7 sitting days after the instrument was so laid, then the instrument shall be deemed to be annulled accordingly but without prejudice to the validity of anything previously done under it.”.

—Denis Naughten, Cathal Berry, Seán Canney, Peter Fitzpatrick, Noel Grealish,
Michael Lowry, Matt Shanahan.

52. In page 6, after line 39, to insert the following:

“Report

5. The Minister shall, by 9 June 2021, lay a report before both Houses of the Oireachtas reviewing the operation and impact of—

- (a) the provisions of:
 - (i) the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020;
 - (ii) the Emergency Measures in the Public Interest (Covid-19) Act 2020;
 - (iii) the Health (Amendment) Act 2020; and
 - (iv) the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020,

[SECTION 5]

- (b) Statutory Instruments commenced by the Minister under powers conferred unto him by the Acts referred to in *paragraph (a)*,
- (c) the performance of functions under the Acts referred to in *paragraph (a)* and Statutory Instruments referred to in *paragraph (b)* in respect of human rights law including, but not limited to, the impact on personal and religious freedoms and human rights, and
- (d) making recommendations in respect of potential changes or improvements to the Acts referred to, and the Statutory Instruments commenced under the Acts referred to, in *paragraph (a)* and the performance and functions of the same.”.

—Mattie McGrath, Richard O'Donoghue, Danny Healy-Rae, Carol Nolan, Michael Healy-Rae, Michael Collins.

53. In page 6, after line 39, to insert the following:

“Report

5. The Minister shall, by 9 June 2021, lay a report before both Houses of the Oireachtas reviewing the operation and impact of—
- (a) the provisions of:
 - (i) the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020;
 - (ii) the Emergency Measures in the Public Interest (Covid-19) Act 2020;
 - (iii) the Health (Amendment) Act 2020; and
 - (iv) the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020,
 - (b) Statutory Instruments commenced by the Minister under powers conferred unto him by the Acts referred to in *paragraph (a)*,
 - (c) the performance of functions under the Acts referred to in *paragraph (a)* and Statutory Instruments referred to in *paragraph (b)* in respect of the entire public health services, including, but not limited to, the impact on waiting lists for all physical and mental health services in the State, and
 - (d) making recommendations in respect of required strategic policy and funding interventions to ensure improvements, so that patient outcomes are not jeopardised further in any way.”.

—Mattie McGrath, Richard O'Donoghue, Danny Healy-Rae, Carol Nolan, Michael Healy-Rae, Michael Collins.

54. In page 6, after line 39, to insert the following:

“Review and report on operation of Act

5. The Government—
- (a) shall keep under review the operation of the enactments and the amendments to,

[SECTION 5]

and other modifications of, enactments that are continued in operation by this Act, and

- (b) shall, in each month (other than the month of August) until this Act ceases to have effect, cause a report on their operation to be presented to each House of the Oireachtas, on a motion that the House concerned take note of the report.”.

—Alan Kelly.

55. In page 6, after line 39, to insert the following:

- “5. Section 31A of the Health Act 1947 is amended in subsection (6A) by the addition of the following paragraph after paragraph (c):

“(d) Before prescribing regulations under this subsection, the Minister shall notify and lay before each House of the Oireachtas a copy of the regulations not less than 48 hours before they come into effect.”.

—Róisín Shortall, Catherine Murphy, Holly Cairns, Gary Gannon, Cian O’Callaghan,
Jennifer Whitmore.

56. In page 6, after line 39, to insert the following:

“Report

5. The Minister shall, by 9 September 2021, lay a report before both Houses of the Oireachtas reviewing the operation and impact of—

- (a) the provisions of:
- (i) the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020;
 - (ii) the Emergency Measures in the Public Interest (Covid-19) Act 2020;
 - (iii) the Health (Amendment) Act 2020; and
 - (iv) the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020,
- (b) Statutory Instruments commenced by the Minister under powers conferred unto him by the Acts referred to in *paragraph (a)*,
- (c) the performance of functions under the Acts referred to in *paragraph (a)*, and Statutory Instruments referred to in *paragraph (b)* in respect of human rights law including, but not limited to, the public duty on equality and human rights, and
- (d) making recommendations in respect of potential changes or improvements to the Acts referred to and the Statutory Instruments commenced under the Acts referred to in *paragraph (a)* and the performance and functions of the same.”.

—Thomas Pringle, Catherine Connolly, Joan Collins, Michael McNamara.

[SECTION 5]

57. In page 6, after line 39, to insert the following:

“Report prior to resolution

5. Any resolution approving or continuing provisions made under the Acts referred to in this Act may not be made unless a review of the functions and impact of the same is laid before both Houses of the Oireachtas at least 4 weeks before such a resolution is made.”.

—Thomas Pringle, Catherine Connolly, Joan Collins, Michael McNamara.

58. In page 6, after line 39, to insert the following:

“Parliamentary oversight of Covid-19 regulations

5. (1) In this section “relevant Statutory Instrument” means either—

(a) any regulations made in whole or in part after 10 June 2021 pursuant to the provisions contained in:

(i) the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020;

(ii) the Emergency Measures in the Public Interest (Covid-19) Act 2020;

(iii) the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020;

(iv) the Health (Amendment) Act 2020; and

(v) the Health (Amendment) Act 2021,

or

(b) the Health Act 1947 (Affected Areas) Order 2020 (S.I. No. 120 of 2020).

- (2) Every relevant Statutory Instrument made by the Minister shall be laid before each House of the Oireachtas as soon as may be after it is made and—

(a) where, before the date on which *paragraph (b)* would have effect, a resolution annulling the instrument is passed by either such House, the instrument shall be annulled accordingly but without prejudice to the validity of anything previously done under it, or

(b) if, in respect of each House, a resolution confirming the instruments is not passed by it—

(i) on the day it is laid before that House, or

(ii) within the next 10 days on which that House has sat after the instrument was so laid,

the instrument shall be deemed to be annulled accordingly but without prejudice to the validity of anything previously done under it.”.

—Michael McNamara.

[SECTION 5]

59. In page 6, after line 39, to insert the following:

“Amendment of Health Act 1947

5. The Health Act 1947 is amended by the insertion of the following section after section 31D:

“Parliamentary oversight of regulations under section 31A and orders under section 31B

31E. (1) In this section ‘relevant Statutory Instrument’ means either—

- (a) regulations made in whole or in part under section 31A, or
 - (b) an order made under section 31B.
- (2) Every relevant Statutory Instrument made by the Minister shall be laid before each House of the Oireachtas as soon as may be after it is made and—
- (a) where, before the date on which paragraph (b) would have effect, a resolution annulling the instrument is passed by either such House, the instrument shall be annulled accordingly but without prejudice to the validity of anything previously done under it, or
 - (b) if, in respect of each House, a resolution confirming the instrument is not passed by it—
 - (i) on the day it is laid before that House or within the next subsequent 14 days on which that House has sat after the instrument was so laid, or
 - (ii) in any other case, within 21 days after the instrument was made, whichever first occurs, then the instrument shall be deemed to be annulled accordingly but without prejudice to the validity of anything previously done under it.
- (3) The period of time to which subsection (2)(b) relates in respect of a relevant Statutory Instrument that has been subsequently amended is the period of time concerned for that instrument and not to any other period of time by reference to the amending instrument.
- (4) Notwithstanding subsection (3), subsection (2)(b) does not apply to a relevant Statutory Instrument where, before the date on which subsection (2)(b) would have had effect—
- (a) the instrument ceases to have effect in accordance with its provisions,
 - (b) the instrument ceases to have effect in accordance with any subsequent amendment duly made to it or has been duly revoked, or
 - (c) the instrument has been annulled by either House in accordance

[SECTION 5]

with subsection (2)(a).”.”.

—David Cullinane, Mark Ward.

60. In page 6, after line 39, to insert the following:

“Report prior to resolution

5. Any resolution approving or continuing provisions made under the Acts referred to in this Act may not be made unless a review of the functions and impact of the same, including the impact on human rights and mental wellbeing, is laid before both Houses of the Oireachtas at least 4 weeks before such a resolution is made.”.

—David Cullinane, Mark Ward.

Section opposed.

—Mattie McGrath, Richard O'Donoghue, Danny Healy-Rae, Carol Nolan, Michael Healy-Rae, Michael Collins.