



**SEANAD ÉIREANN**

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

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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

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

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

#### SECTION 1

1. In page 5, to delete lines 7 to 21 and substitute the following:

““(b) Part 3, continue in operation for the period beginning on the 10th day of June 2021 and ending on the 30th day of September 2021.””.

—*Senators Sharon Keogan, Michael McDowell.*

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

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

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

““(6) This Act shall remain in operation until 9 November 2021 unless a resolution approving the continuation in operation of this Act is passed by each House of the Oireachtas before that date and, if such resolutions are passed, this Act shall continue in operation for a period up to two months after 9 November 2021.””.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

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

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

#### SECTION 2

5. In page 5, to delete lines 26 to 37, and in page 6, to delete lines 1 to 10 and substitute the following:

““(3) The amendments to, and other modifications of, the Mental Health Act 2001 effected by Part 5 continue in operation for the period beginning on the 10th day of June 2021 and ending on the 30th day of September 2021.

(4) For the avoidance of doubt, it is hereby declared that, on and from the 30th day of September 2021, the Mental Health Act 2001 shall apply and have effect as it applied and had effect immediately before the coming into operation of Part 5 but subject to any amendments made

[SECTION 2]

by any other Act of the Oireachtas after such coming into operation.”.”.

—*Senators Sharon Keogan, Michael McDowell.*

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

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

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

“(4) This Act shall remain in operation until 9 November 2021 unless a resolution approving the continuation in operation of this Act is passed by each House of the Oireachtas before that date and, if such resolutions are passed, this Act shall continue in operation for a period up to two months after 9 November 2021.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

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

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

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

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

10. In page 6, lines 5 to 7, to delete all words from and including “or” in line 5 down to and including “(4)” in line 7.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

SECTION 3

11. In page 6, to delete lines 14 to 25 and substitute the following:

“(3) This Act continues in operation for the period beginning on the 10th day of June 2021 and ending on the 30th day of September 2021.”.”.

—*Senators Sharon Keogan, Michael McDowell.*

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

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

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

“(4) This Act shall remain in operation until 9 November 2021 unless a resolution approving the continuation in operation of this Act is passed by each House of the Oireachtas before that date and, if such resolutions are passed, this Act shall continue in operation for a period up to two months after 9 November 2021.”.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

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

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

[SECTION 4]

SECTION 4

15. In page 6, to delete lines 29 to 39 and substitute the following:

“(3) This Act continues in operation for the period beginning on the 10th day of June 2021 and ending on the 30th day of September 2021.”.

—*Senators Sharon Keogan, Michael McDowell.*

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

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

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

“(4) This Act shall remain in operation until 9 November 2021 unless a resolution approving the continuation in operation of this Act is passed by each House of the Oireachtas before that date and, if such resolutions are passed, this Act shall continue in operation for a period up to two months after 9 November 2021.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

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

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

SECTION 5

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

**“Amendment of Safety, Health and Welfare at Work Act 2005**

5. Part 3 (Protective and Preventive Measures) of the Safety, Health and Welfare at Work Act 2005 is amended by the insertion of the following section after section 22:

**“Proactive health notification and surveillance**

**22A.** Every employer and/or workplace, having regard to the immediate, exceptional, and manifest risk posed to human life and public health by the spread of Covid-19, shall treat Covid-19 as an occupational illness and report any occurrences of Covid-19 amongst worker(s) in the workplace to the Health and Safety Authority.”.

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

20. 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—

[SECTION 5]

- (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 instruments 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 with subsection (2)(a).”.”.

—*Senators Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Fintan Warfield.*

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

**“Report of Minister**

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:

[SECTION 5]

- (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.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

22. 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 four weeks before such a resolution is made.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*