



Number 12 of 2021

Health and Criminal Justice (Covid-19) (Amendment) Act 2021



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HEALTH AND CRIMINAL JUSTICE (COVID-19) (AMENDMENT) ACT 2021

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ACTS REFERRED TO

Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 (No. 14)

Emergency Measures in the Public Interest (Covid-19) Act 2020 (No. 2)

Health (Amendment) Act 2020 (No. 19)

Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act
2020 (No. 1)

Health Act 1947 (No. 28)

Mental Health Act 2001 (No. 25)



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HEALTH AND CRIMINAL JUSTICE (COVID-19) (AMENDMENT) ACT 2021

An Act to provide for the continuation in operation for a further period, which may be extended in certain circumstances, of certain provisions of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020, the
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Emergency Measures in the Public Interest (Covid-19) Act 2020, the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 and the Health (Amendment) Act 2020, in the public interest and having regard to the continuing manifest and grave risk to human life and public health posed by the spread of the disease known as Covid-19 (and
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variants of the virus that causes that disease) in order to mitigate, where practicable, the effects of the spread of that disease; and to provide for related matters. [6th June, 2021]

WHEREAS a public health emergency has arisen and continues in the State by virtue of the spread of the disease known as Covid-19;

AND WHEREAS the State, having regard to the need to preserve and protect public health, has introduced a range of extraordinary measures and safeguards to prevent,
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minimise, limit or reduce the risk of persons being infected with that disease;

AND WHEREAS the continuation in operation of such measures and safeguards forms part, along with the programme of vaccination against that disease, of efforts on the part of the State to preserve and protect public health;

AND WHEREAS a resolution approving the continuation in operation of the
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amendments to the Health Act 1947 effected by Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 until the 9th day of June 2021 was passed by both Houses of the Oireachtas on the 22nd day of October 2020 in accordance with section 2(3) of that Act;

AND WHEREAS a resolution approving the continuation in operation of the
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amendments to and other modifications of the Mental Health Act 2001 effected by Part 5 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 until the 9th day of June 2021 was passed by each House of the Oireachtas on the 22nd day of

October 2020 in accordance with section 1(3) of that Act;

AND WHEREAS a resolution approving the continuation in operation of the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 until the 9th day of June 2021 was passed by Dáil Éireann on the 4th day of November 2020 and by Seanad Éireann on the 6th day of November 2020 in accordance with section 17(3) of that Act;

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AND WHEREAS the Health (Amendment) Act 2020 remains in operation until the 9th day of June 2021 by virtue of section 6(3) of that Act;

AND WHEREAS certain measures and prohibitions put in place since the outbreak of that disease relating to the conduct and behaviour of members of society that were aimed at preventing and slowing the spread of the disease, reducing the incidence of the disease and limiting its impact on the functioning of society and the economy, have not sufficiently reduced the incidence of the disease;

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AND WHEREAS the trajectory of that disease continues to be precarious and uncertain and to threaten to put the health system in the State under significant and sustained pressure by reason of the spread of that disease (and variants of the virus that causes the disease in relation to which there is evidence of increased transmissibility and the potential to evade immune response);

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AND WHEREAS the crisis occasioned by the further or worsening spread of that disease is causing, and will continue to cause, significant damage to the economy of the State resulting, thus far, in a substantial increase in the number of persons who have become unemployed and a substantial increase in the national debt;

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AND WHEREAS the State remains, in significant respects, highly exposed to the effects of the spread of the disease;

AND WHEREAS as a consequence it is necessary for the State, for compelling reasons of public interest and for the common good, to continue for a further period the measures taken and the safeguards put in place to address the emergency and to defend and vindicate the rights of citizens to life and to bodily integrity:

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Be it enacted by the Oireachtas as follows:

Amendment of section 2 of Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020

1. Section 2 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 is amended—

(a) in subsection (3), by the substitution of the following paragraph for paragraph (b): 5

“(b) Part 3, continue in operation for the period beginning on the 10th day of June 2021 and ending on the later of—

(i) the 9th day of November 2021, or

(ii) the date that is specified in a resolution passed by each House of the Oireachtas under subsection (6).”, 10

and

(b) by the addition of the following subsection after subsection (5):

“(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.”. 15

Amendment of section 1 of Emergency Measures in the Public Interest (Covid-19) Act 2020

2. Section 1 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 is amended by the substitution of the following subsections for subsection (3): 20

“(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 later of—

(a) the 9th day of November 2021, or 25

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

(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. 30

(5) For the avoidance of doubt, it is hereby declared that, on and from the 9th day of November 2021 or such later date as is specified in a resolution passed by each House of the Oireachtas under subsection (4), the Mental Health Act 2001 shall apply and have effect as it applied and had effect immediately before the coming into operation 35

of Part 5 but subject to any amendments made by any other Act of the Oireachtas after such coming into operation.”.

Amendment of section 17 of Criminal Justice (Enforcement Powers) (Covid-19) Act 2020

3. Section 17 of the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 is amended by the substitution of the following subsections for subsection (3): 5

“(3) This Act continues in operation for the period beginning on the 10th day of June 2021 and ending on the later of—

(a) the 9th day of November 2021, or

(b) the date that is specified in a resolution passed by each House of the Oireachtas under subsection (4). 10

(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.”.

Amendment of section 6 of Health (Amendment) Act 2020 15

4. Section 6 of the Health (Amendment) Act 2020 is amended by the substitution of the following subsections for subsection (3):

“(3) This Act continues in operation for the period ending on the later of—

(a) the 9th day of November 2021, or

(b) the date that is specified in a resolution passed by each House of the Oireachtas under subsection (4). 20

(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.”. 25

Short title and commencement

5. (1) This Act may be cited as the Health and Criminal Justice (Covid-19) (Amendment) Act 2021.

(2) This Act shall come into operation on the 10th day of June 2021.