Number 28 of 1947

HEALTH ACT 1947
REVISED
Updated to 10 April 2020

This Revised Act is an administrative consolidation of the Health Act 1947. It is prepared by the Law Reform Commission in accordance with its function under the Law Reform Commission Act 1975 (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the Emergency Measures in the Public Interest (Covid-19) Act 2020 (2/2020), enacted 27 March 2020, and all statutory instruments up to and including the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Amendment) Regulations 2020 (S.I. No. 128 of 2020), made 10 April 2020, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

*Health Acts 1947 to 2019*: this Act is one of a group of Acts included in this collective citation, to be construed together as one (Health Service Executive (Governance) Act 2019 (17/2019), s. 1(3)). The Acts in this group are:

- Health Act 1947 (28/1947)
- Health Act 1953 (26/1953) (citation only)
- Health (Fluoridation of Water Supplies) Act 1960 (46/1960) (citation only)
- Health Act 1970 (1/1970)
- Misuse of Drugs Act 1977 (12/1977), s. 36 and s. 42 in so far as it amends the Health Acts 1947 to 1970 (citation only)
- Health (Family Planning) Act 1979 (20/1979)
- Health (Nursing Homes) Act 1990 (23/1990)
- Health (Amendment) Act 1991 (15/1991), other than s. 8
- Health (Amendment) Act 1996 (15/1996)
- Health (Amendment) (No. 2) Act 1996 (23/1996)
- Health (Amendment) (No. 3) Act 1996 (32/1996), other than ss. 21 and 22
- Health (Eastern Regional Health Authority) Act 1999 (13/1999)
- Health (Miscellaneous Provisions) Act 2001 (14/2001), except in so far as it relates to the Tobacco (Health Promotion and Protection) Act 1988 (citation only)
- Health Act 2004 (42/2004)
- Health (Amendment) Act 2005 (3/2005), in so far as it amends the Health Acts 1947 to 2004
- Health (Repayment Scheme) Act 2006 (17/2006)
- Hepatitis C Compensation Tribunal (Amendment) Act 2006 (22/2006), except s. 6
- Health (Nursing Homes) (Amendment) Act 2007 (1/2007)
- Health Act 2007 (23/2007)
- Medical Practitioners Act 2007 (25/2007), s. 57(9) (citation only)
- Health Act 2008 (21/2008)
- Health (Miscellaneous Provisions) Act 2009 (25/2009), s. 64
• Health (Amendment) Act 2010 (15/2010) (citation only)
• Health (Amendment) (No. 2) Act 2010 (20/2010)
• Child Care (Amendment) Act 2011 (19/2011), ss. 35 and 36 (citation only)
• Health (Alteration of Criteria for Eligibility) Act 2013 (10/2013)
• Health (Pricing and Supply of Medical Goods) Act 2013 (14/2013), s. 30 (citation only)
• Health Service Executive (Governance) Act 2013 (23/2013)
• Health (Alteration of Criteria for Eligibility) (No. 2) Act 2013 (42/2013) (citation only)
• Local Government Reform Act (1/2014), the amendment to the Health (Fluoridation of Water Supplies) Act 1960 provided for in section 5 (6) and sch. 2, part 6.
• Health Service Executive (Financial Matters) Act 2014 (17/2014)
• Health (General Practitioner Service) Act 2014 (28/2014)
• Health (General Practitioner Service) Act 2015 (19/2015)
• Health (General Practitioner Service) Act 2018 (13/2018)
• Health Service Executive (Governance) Act 2019 (17/2019), other than Part 3

Acts previously included in the group but now repealed are:

• Health Act 1954 (23/1954)
• Health and Mental Treatment Act 1957 (16/1957), s. 1
• Health and Mental Treatment (Amendment) Act 1958 (37/1958), s.1
• Health (Homes For Incapacitated Persons) Act 1964 (8/1964)
• Health and Mental Treatment (Amendment) Act 1966 (2/1966), s. 1
• Health (Mental Services) Act 1981 (17/1981)
• Health (Family Planning) (Amendment) Act 1985 (4/1985)
• Health (Amendment) Act 2004 (19/2004)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.
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HEALTH ACT 1947

REVISED

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Public Assistance Act, 1939  No. 27 of 1939
Local Government Act, 1941  No. 23 of 1941
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AN ACT TO MAKE FURTHER AND BETTER PROVISION IN RELATION TO THE HEALTH OF THE PEOPLE AND TO PROVIDE FOR THE MAKING OF REGULATIONS BY VIRTUE OF WHICH CERTAIN CHARGES MAY BE MADE. [13th August, 1947.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

1.—This Act may be cited as the Health Act, 1947.

2.—(1) In this Act—

the expression “adult person” means a person who is sixteen years of age or older;

the word “advertisement” includes every form whatsoever of recommendation of any thing to the public, including, in particular—

(a) the statement of the name of such thing or of any brand, trade description or designation by reference to which such thing is sold, where such statement may reasonably be regarded as a recommendation of such thing to the public,

(b) the statement of any properties of such thing on a label, container or wrapper used for such thing or in a leaflet, circular, pamphlet or brochure issued to the public or on request or given to a purchaser of such thing,

and cognate words shall be construed accordingly;

the word “aircraft” has the same meaning as it has in the Air Navigation and Transport Act, 1936 (No. 40 of 1936);

the expression “chief medical officer” means a county medical officer for a county or a city medical officer for a county borough;

the word “child” means a person who is less than sixteen years of age;

the expression “coastal waters” means waters within a distance of three nautical miles from any point on the coast measured from low-water mark of ordinary spring tides;
the word “disinfestations” means the cleansing and protection of any person or thing from vermin;

the expression “district medical officer” means a medical officer of health under section 73 of this Act;

the word “dwelling” includes—

(a) a part of a house, and

(b) a temporary dwelling;

the word “enactment” includes any order or regulation made under an Act;

the expression “health authority” means a council of a county or a corporation of a county borough;

the expression “health institution” means an institution maintained by a health authority pursuant to section 10 of this Act;

the expression “infected premises notice” means a written notice that, within the three months immediately preceding the giving of the notice, a person has been residing in or has occupied specified premises while suffering from a specified infectious disease;

the word “infectious” includes contagious and the word “infection” includes contagion;

the expression “infectious disease” means primarily any disease included in regulations under subsection (1) of section 29 whether absolutely or by definition of a particular stage of such disease, but in any section of Part IV of this Act from the application of which a disease or a stage of a disease is excluded under subsection (2) of the said section 29, the expression does not include such disease or such disease in such stage, as the case may be;

the expression “institution” means a hospital, sanatorium, maternity home, convalescent home, preventorium, laboratory, clinic, health centre, first-aid station, dispensary or any similar institution;

the expression “institutional services” includes—

(a) maintenance in an institution,

(b) diagnosis, advice and treatment at an institution,

(c) appliances and medicines and other preparations,

(d) the use of special apparatus at an institution;

the expression “the manager” means—

(a) as respects a health authority which is the corporation of a county borough—the manager for the purposes of the Acts relating to the management of the borough, and

("(b) as respects a health authority which is the council of a county or a health authority established by the Health Authorities Act, 1960—the manager for the purposes of the County Management Acts, 1940 to 1955;",)

the expression “medical officer of health” means a chief medical officer, an assistant county medical officer for a county, an assistant city medical officer for a county borough [or any other medical officer who is an assistant to a chief medical officer] or a district medical officer;

the expression “the Minister” means the Minister for Health;
the word “parent” means, in relation to a child, the person having the legal custody of the child and, where owing to the absence of such person or for any other reason the child is not living with or is not in the actual custody of such person, includes the person with whom the child is living or in whose actual custody the child is;

the word “prescribed” means prescribed by regulations made by the Minister under this Act;

the expression “public conveyance” includes a conveyance available for private hire;

the expression “sanitary authority” has the same meaning as in the Public Health Acts, 1878 to 1931;

the expression “the school manager” means in relation to a school or college, the person for the time being managing the school or college;

the expression “temporary dwelling” means any—

(a) tent, or

(b) van, or other conveyance (whether on wheels or not), or

(c) shed, hut or similar structure, or

(d) vessel;

the word “vermin” means any insects, being bugs, fleas, lice or itch mites, and includes the eggs, larvae and pupae of such insects, and the word “verminous” shall be construed accordingly;

the word “vessel” includes any ship, boat, barge or lighter.

(2) (a) For the purposes of this Act, the functional area of a health authority shall include any coastal waters adjoining such functional area.

(b) Where any coastal waters adjoin the functional areas of two or more health authorities, the Minister may by order provide that for the purposes of paragraph (a) of this subsection the whole or a specified part of the coastal waters shall be regarded as adjoining the functional area of any one of such health authorities, and the said paragraph (a) shall have effect accordingly.

(3) A reference in this Act to contravention of any provision includes, where appropriate, a reference to contravention of that provision by failing or refusing to comply therewith.

Commencement. 3.—This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

Repeals. 4.—The enactments mentioned in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Regulations. 5.—(1) The Minister may make regulations in relation to anything referred to in this Act as prescribed.

(2) Regulations under this Act may be so framed as to apply in relation to the whole of the State or to part or parts only of the State.

(3) Where regulations under this Act require records to be kept in relation to the health of individuals, such provision shall be made therein as the Minister thinks necessary or proper for ensuring that the parts of such records containing the names
of such individuals shall be treated in a confidential manner and shall not be published save with the consent of such individuals.

(4) No regulation which includes provision in respect of a payment to be made to or by the Minister shall be made by the Minister under this Act without the consent to such provision of the Minister for Finance.

(5) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

6.—Every regulation which was made under an enactment repealed by this Act and which was in force immediately before such repeal shall, upon and after such repeal, be deemed to be a regulation made under the appropriate section of this Act and shall have effect and be capable of being amended or revoked accordingly.

7.—Every power conferred by this Act on the Minister to make any order shall be construed as including a power to revoke or amend any order made under such power and to make another order in lieu of any order so revoked.

8.—(1) All moneys payable under this Act or any regulations made under this Act to the Minister shall be collected and taken in such manner as the Minister for Finance shall from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of any moneys payable under this Act or any regulations made under this Act to the Minister.

9.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART II.

INSTITUTIONS.

10.—[…]

11.—[…]

12.—[…]

13.—[…]
Transfer of district institution.  
14.—[...]

Transfer of institution maintained by sanitary authority.  
15.—[...]

Transfer of the Hospital of Saint Margaret of Cortona to the Dublin Corporation.  
16.—[...]

Charges for institutional services.  
17.—[...]

Management of health institutions.  
18.—[...]

Amendment of subsection (2) of section 6 of Tuberculosis (Establishment of Sanatoria) Act, 1945.  
19.—[...]

Power to provide land for an institution.  
20.—[...]

PART III.

MOTHER AND CHILD SERVICE.

Safeguarding of health of women as respects motherhood.  
21.—[...]

Attendance to health of children not pupils of schools.  
22.—[...]

Attendance to health of pupils of schools.  
23.—[...]

Notice of medical inspection of children.  
24.—[...]

Obligation to submit children to medical inspection.  
25.—[...]

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PART III.

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Infectious Diseases.

Infectious diseases. 29.—(1) The Minister may by regulation specify the diseases which are infectious diseases.

(2) Regulations under subsection (1) of this section may exclude an infectious disease from the application of any particular section of this Part of this Act.

(3) The Minister may define a disease in regulations under this section in any manner which he considers suitable including, in particular, by reference to any stage of the disease or by reference to any class of sufferers from the disease.

General duty to take precautions against infecting others with infectious disease. 30.—(1) A person who knows that he is a probable source of infection with an infectious disease shall, in addition to taking the precautions specifically provided for by or under this Part of this Act, take every other reasonable precaution to prevent his infecting others with such disease by his presence or conduct or by means of any article with which he has been in contact.

(2) A person having the care of another person and knowing that such other person is a probable source of infection with an infectious disease shall, in addition to the precautions specifically provided for by or under this Part of this Act, take every other reasonable precaution to prevent such other person from infecting others with such disease by his presence or conduct or by means of any article with which he has been in contact.

(3) A person who contravenes subsection (1) or (2) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

Regulations for preventing the spread of infectious disease. 31.—(1) The Minister may make regulations providing for the prevention of the spread (including the spread outside the State) of an infectious disease or of infectious diseases generally and for the treatment of persons suffering therefrom and the regulations may, in particular, provide for any of the matters mentioned in the Second Schedule to this Act.

(2) Regulations under this section may provide for their enforcement and execution by officers of the Minister and by health authorities and their officers and may also—
(a) with the consent of the Minister for Local Government provide for their enforcement and execution by officers of sanitary authorities,

(b) with the consent of the Minister for Finance, provide for their enforcement and execution by officers of Customs and Excise,

(c) with the consent of the Minister for Justice, provide for their enforcement and execution by specified officers of that Minister, and

(d) with the consent of the Minister for Industry and Commerce, provide for their enforcement and execution in any Customs-free airport by specified officers of that Minister.

(3) Regulations under this section may impose duties on officers concerned in the registration of births and deaths.

(4) Regulations under this section may provide for and authorise the making of charges for the purposes of the regulations or for services performed thereunder and may provide for the recovery of such charges.

(5) Regulations under this section may provide for the particulars to be contained in notices to be given under the regulations and for the manner in which such notices may be given.

(6) The Minister shall not make under this section regulations relating to large public service vehicles (as defined in section 3 of the Road Traffic Act, 1933 (No. 11 of 1933)), vehicles for the conveyance of passengers by rail, vessels or aircraft save after consultation with the Minister for Industry and Commerce.

(7) Where regulations under this section require adult persons to submit themselves or the parents of children to submit such children to specified measures in relation to the protection or immunisation of such adult persons or children against a particular infectious disease, such regulations shall contain provision—

(a) for the giving of notice of the time and place at which a person will be required to submit himself or the parent of a child will be required to submit such child to any such specified measures, and

(b) for the giving of information to such person or such parent of the right to exemption under section 32 of this Act.

(8) A person who contravenes a regulation under this section or who wilfully obstructs the execution of a regulation under this section or who gives false or misleading information in purported compliance with a request for information made under a regulation made under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine or fines and such imprisonment.

(9) Where a provision of this Part of this Act or any other enactment requires special precautions to be taken to prevent the spread of infectious diseases or of any particular infectious disease, such provision shall not be construed as restricting the power of making regulations conferred by this section.

[(10) Regulations under this section may, in particular, require the vaccination against smallpox of persons engaged in work at or about airports or seaports; and—

(a) the obligation to contain the provision referred to in paragraph (b) of subsection (7) of this section shall not apply as respects such regulations, and

(b) section 32 of this Act shall not apply in relation to such vaccination.]
31A. (1) The Minister may, having regard to the immediate, exceptional and manifest risk posed to human life and public health by the spread of Covid-19 and to the matters specified in subsection (2), make regulations for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19 (including the spread outside the State) or where otherwise necessary, to deal with public health risks arising from the spread of Covid-19 and, without prejudice to the generality of the foregoing, such regulations may, in particular, provide for all or any of the following:

(a) restrictions to be imposed upon travel to or from the State;

(b) restrictions to be imposed upon travel to, from or within geographical locations to which an affected areas order applies;

(c) without prejudice to the generality of paragraph (b), restrictions to be imposed upon persons or classes of persons resident in, working in or visiting locations referred to in paragraph (b) including (but not limited to)—

(i) requiring persons to remain in their homes, or

(ii) without prejudice to any other provisions of this Act or regulations made thereunder requiring persons to remain in such other places, as may be specified by the Minister;

(d) the prohibition of events, or classes of events, including (but not limited to) events—

(i) which, by virtue of the nature, format, location or environment of the event concerned or the arrangements for, or the activities involved in, or the numbers likely to be attending, the event could reasonably be considered to pose a risk of infection with Covid-19 to persons attending the event,

(ii) at specified geographical locations to which an affected areas order applies,

(iii) at locations which by virtue of the nature, format, or environment of the locations concerned or the arrangements for, or the activities involved in, or the numbers likely to be attending the type of events at the locations, could reasonably be considered to pose a risk of infection with Covid-19 to persons attending at events at those locations,

(iv) where the level of proposed attendance or likely level of attendance at the event could reasonably be considered to pose a risk of infection with Covid-19 to persons attending the event;

(e) the safeguards required to be put in place by event organisers in relation to events in order to prevent, limit, minimise or slow the risk of persons attending any such event of being infected with Covid-19;

(f) the safeguards required to be put in place by owners or occupiers of a premises or a class of premises (including the temporary closure of such premises) in order to prevent, limit, minimise or slow the risk of persons attending such premises of being infected with Covid-19;

(g) the safeguards required to be put in place by owners or occupiers of any other place or class of place, (including the temporary closure of such place or class of place) in order to prevent, limit, minimise or slow the risk of persons attending at such place or class of place of being infected with Covid-19;

(h) without prejudice to the generality of the foregoing paragraphs, the safeguards required to be put in place by managers (however described) of schools, including language schools, creches or other childcare facilities, universities or other educational facilities (including the temporary closure of such...
facilities) to prevent, minimise, limit, or slow the risk of infection of persons attending such premises of being infected with Covid-19;

(i) any other measures that the Minister considers necessary in order to prevent, limit, minimise or slow the spread of Covid-19;

(j) the giving of notices, the particulars to be contained therein and the manner in which such notices may be given for the purposes of the regulations;

(k) such additional, incidental, consequential or supplemental matters as the Minister considers necessary or expedient for the purposes of giving full effect to the regulations.

(2) When making regulations under subsection (1), the Minister—

(a) shall have regard to the following:

(i) the fact that a national emergency has arisen of such character that there is an immediate and manifest risk to human life and public health as a consequence of which it is expedient in the public interest that extraordinary measures should be taken to safeguard human life and public health;

(ii) the fact that a declaration of Public Health Emergency of International Concern was made by the World Health Organisation in respect of Covid-19 and that Covid-19 was duly declared by that Organisation to be a pandemic;

(iii) the fact that Covid-19 poses significant risks to human life and public health by virtue of its potential for incidence of mortality;

(iv) the policies and objectives of the Government to take such protective measures as are practicable to vindicate the life and bodily integrity of citizens against a public health risk;

(v) the need to act expeditiously in order to prevent, limit, minimise or slow the spread of Covid-19;

(vi) the resources of the health services, including the number of health care workers available at a given time, the capacity of the workers to undertake measures, to test persons for Covid-19 and to provide care and treatment to persons infected with Covid-19, the necessity to take such measures as are appropriate to protect health care workers from infection from Covid-19, and the capacity of hospitals or other institutions to accommodate and facilitate the provision of care and treatment to infected persons;

(vii) the resources, including the financial resources, of the State;

(viii) the advice of the Chief Medical Officer of the Department of Health, and

(b) may, have regard to any relevant guidance (including, in particular, any guidance relating to the risk assessment for, and case definition relating to, Covid-19) provided by the World Health Organisation, the European Centre for Disease Prevention and Control, the Health Protection Surveillance Centre of the Health Service Executive and other persons with relevant medical and scientific expertise.

(3) Before making regulations under subsection (1), the Minister—

(a) shall consult any other Minister of the Government as he or she considers appropriate having regard to the functions of that other Minister of the Government, and
(b) may consult any other person as the Minister considers appropriate for the purposes of these regulations.

(4) The Minister may, having consulted any other Minister of the Government as he or she considers appropriate having regard to the functions of that other Minister of the Government, exempt specified classes of persons including, but not limited to persons, who perform essential services, including statutory duties or other specified public or other services, from regulations under subsection (1).

(5) This section is without prejudice to the provisions of section 31, including as they may relate to Covid-19.

(6) A person who—

(a) contravenes a provision of a regulation made under subsection (1) that is stated to be a penal provision,

(b) obstructs, interferes with or impedes a relevant person in the course of exercising a power conferred by regulations under this section on that relevant person,

(c) fails or refuses to give to a relevant person information—

(i) that is within the first-mentioned person’s knowledge,

(ii) that the first-mentioned person is required by regulations under this section to give the relevant person, and

(iii) that the first-mentioned person has been requested to give, or has been otherwise informed of the requirement to give, to a relevant person,

or

(d) in purported compliance with a requirement under regulations under subsection (1), gives information to a relevant person that, to the first-mentioned person’s knowledge, is false or misleading in any material particular,

shall be guilty of an offence.

(7) A member of the Garda Síochána who suspects, with reasonable cause, that a person is contravening or has contravened a provision of a regulation made under subsection (1) that is stated to be a penal provision, may, for the purposes of ensuring compliance with the regulation, direct the person to take such steps as the member considers necessary to comply with the provision.

(8) (a) A person who, without lawful authority or reasonable excuse, fails to comply with a direction under subsection (7) shall be guilty of an offence.

(b) A member of the Garda Síochána may arrest without warrant a person whom the member has reasonable cause for believing is committing or has committed an offence under this subsection.

(9) A member of the Garda Síochána who has reasonable grounds for believing that a person is committing or has committed an offence under this section may require the person to state his or her name and address.

(10) A person who fails or refuses to state his or her name and address in compliance with a requirement under subsection (9), or who, in purported compliance with such a requirement, states a name or address that is false or misleading, shall be guilty of an offence.

(11) A member of the Garda Síochána may arrest without warrant any person whom the member has reasonable cause for believing has committed an offence under subsection (10).
(12) A person who commits an offence under this section is liable on summary conviction to a class C fine, or to imprisonment for a term not exceeding 6 months, or both.

(13) (a) Regulations under subsection (1) may provide for their implementation and enforcement by a person (in this section referred to as a ‘relevant person’), or group of such relevant persons, as may be specified, and for this purpose different persons, or combinations of persons, may be so specified for different purposes in, or in relation to different provisions of, such regulations.

(b) Without prejudice to the generality of paragraph (a), persons who may be specified under this subsection include—

(i) an authorised officer,
(ii) a medical officer of health,
(iii) an officer of the Minister for Justice and Equality,
(iv) an officer of customs (within the meaning of the Customs Act 2015), or
(v) a person, or group of persons, appointed by the Health Service Executive.

(14) Without prejudice to the generality of section 95, a relevant person may, in the course of exercising a power or performing a function conferred on that officer by regulations under subsection (1), require a member of the Garda Síochána to assist in the exercise of the power or the performance of the function, including by way of temporarily detaining any person, bringing a person to any place, breaking open of any premises, or any other action in which the use of force may be necessary and is lawful, and any member of the Garda Síochána so required shall comply with the requirement.

(15) (a) Where an offence under this section is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person shall, as well as the body corporate, be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(b) Where the affairs of a body corporate are managed by its members, paragraph (a) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(16) In this section, section 31B and section 38A—

‘event’ means a gathering of persons, whether the gathering is for cultural, entertainment, recreational, sporting, commercial, work, social, community, educational, religious or other reasons, and includes but is not limited to a gathering which is required to be subject to a consent, licence or other form of permission granted in relation to it by any Minister of the Government or public body pursuant to any enactment or rule of law which provides for the regulation of proper planning and sustainable development, traffic management, sale of alcohol, safety and health at work or otherwise;

‘event organiser’, in relation to an event, means a person who—

(a) is engaged in publicising, arranging, organising or managing the event, or
(b) receives some or all of the revenue, where applicable, from the event;
‘premises’ includes a building or any part of a building, any outdoor space surrounding or adjacent to the premises, whether or not used in conjunction with the premises, any land, premises, tent, caravan, or other temporary or moveable structure, ship or other vessel, aircraft, railway carriage or other vehicle (whether stationary or otherwise) and any storage container.

(17) In this section, section 31B and section 38A—

‘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;


31B. (1) Subject to subsection (2), the Minister may, having regard to the matters specified in section 31A(2), by order declare an area or region in the State to be an area where there is known or thought to be sustained human transmission of Covid-19 or from which there is a high risk of importation of infection or contamination with Covid-19 by travel from that area (in this Act referred to as an ‘affected areas order’).

(2) When making an order under this section, the Minister shall have regard to the advice of the Chief Medical Officer of the Department of Health and shall consult with such Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government.

32.—(1) (a) Where—

(i) an adult person is required pursuant to regulations made under section 31 of this Act to submit himself to any specified measure in relation to his protection or immunisation against a particular infectious disease, and

(ii) such adult person sends, within the prescribed time and in the prescribed manner, to the health authority concerned, a statement that he objects to submitting himself to such specified measure,

then, unless an order (which relates to such infectious disease and is applicable to such adult person) under paragraph (b) of this subsection is in force, the health authority shall exempt such adult person from such requirement.

(b) The Minister may by order declare that—

(i) it is necessary, for the purpose of preventing the spread of a particular infectious disease, that all adult persons should submit themselves to a specified measure in relation to their protection or immunisation against such infectious disease, or

(ii) it is necessary, for the said purpose, that adult persons of a particular class (defined in such manner and by reference to such things as the Minister thinks proper) should submit themselves to such specified measure.

(2) (a) Where—

(i) the parent of a child is required pursuant to regulations made under section 31 of this Act to submit the child to any specified measure in relation to his protection or immunisation against a particular infectious disease, and

(ii) such parent sends, within the prescribed time and in the prescribed manner, to the health authority concerned a statement that he objects to submitting the child to such specified measure,

then, unless an order (which relates to such infectious disease and is applicable to the child) under paragraph (b) of this subsection is in force, the health authority shall exempt such parent from such requirement.

(b) The Minister may by order declare that—

(i) it is necessary, for the purpose of preventing the spread of a particular infectious disease, that all children should be submitted to a specified measure in relation to their protection or immunisation against that infectious disease, or

(ii) it is necessary, for the said purpose, that children of a particular class (defined in such manner and by reference to such things as the Minister thinks proper) should be submitted to such specified measure.

Selling or letting dwelling after infection.

33.—Where—

(a) a person sells or lets a dwelling in which to his knowledge a person has been residing at any time during the preceding three months while suffering from an infectious disease, and

(b) he did not before selling or letting the dwelling give in the prescribed manner an infected premises notice to the medical officer of health for the area in which the dwelling is situated,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Cesser of occupation of dwelling after infection.

34.—Where—

(a) the occupier of a dwelling (not being the owner thereof) ceases to occupy the dwelling, and

(b) a person has, to the knowledge of the occupier, been residing in the dwelling at any time during the preceding three months while suffering from an infectious disease, and

(c) the occupier did not either before or immediately after ceasing to occupy the dwelling give in the prescribed manner an infected premises notice to the owner of the dwelling,

the occupier shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Question as to infection in dwelling.

35.—Where—

(a) a person either—

(i) is concerned in selling or letting a dwelling or showing a dwelling with a view to its being sold or let, or

(ii) has ceased during the preceding three months to occupy a dwelling,
(b) he is questioned by another person interested in such sale or letting as to whether at any time during the preceding three months a person has resided in the dwelling while suffering from an infectious disease, and

(c) he makes to the question an answer which is to his knowledge false or misleading in any material particular,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Giving of lodging after infection.

36.—(1) Where—

(a) a person provides lodging in any premises for persons other than members of his own household, and

(b) he lodges a person in a room or other place in such premises which, to his knowledge, has been occupied at any time during the preceding three months by another person while suffering from an infectious disease, and

(c) he did not before so lodging such person give in the prescribed manner an infected premises notice to the [medical officer of health for the area]

for the district in which the premises are situated,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) In this section, the word “premises” includes a temporary dwelling.

Procedure on giving of infected premises notice to the district medical officer.

37.—(1) At any time not more than seven days after the receipt from any person (in this section referred to as the owner) by a [medical officer of health] of an infected premises notice the medical officer may require any disinfection or disinfestation of the premises to which such notice relates and shall before the expiration of the said seven days inform the owner either that no such requirement is made or the nature and extent of such requirement.

(2) Where a [medical officer of health] requires under subsection (1) of this section any disinfection or disinfestation of premises he shall, if required by the owner, arrange for the carrying out with all convenient speed of such disinfection or disinfestation by an officer of the appropriate health authority.

(3) Premises in respect of which an infected premises notice has been given to a [medical officer of health] shall not be sold nor let nor used to give lodging to any person before either—

(a) seven days have expired after the receipt by the medical officer of the notice and the medical officer has not informed the owner that he requires any disinfection or disinfestation of the premises, or

(b) any disinfection or disinfestation required by the medical officer under subsection (1) of this section has been completed.

(4) A person who contravenes subsection (3) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
38.—(1) Where a chief medical officer is of opinion, either consequent on his own inspection of a person in the area for which such medical officer acts or consequent upon information furnished to him by a registered medical practitioner who has inspected such person, that such person is a probable source of infection with an infectious disease and that his isolation is necessary as a safeguard against the spread of infection, and that such person cannot be effectively isolated in his home, such medical officer may order in writing the detention and isolation of such person in a specified hospital or other place until such medical officer gives a certificate (for which no charge shall be made) that such person is no longer a probable source of infection.

(2) Where an order is made under this section in relation to a person (in this subsection referred to as the patient), the following provisions shall have effect:—

(a) the medical officer who made the order (in this subsection referred to as the committing officer) shall forthwith send a copy of the order to the Minister and to the health authority for which he acts,

(b) the committing officer, and also any other person, to whom the duty of acting under this section has been assigned by or with the consent of the Minister and who has been authorised in writing by the committing officer to act in the particular case, may detain the patient,

(c) the person detaining the patient shall, on or before doing so—

(i) produce for inspection by the appropriate person his written authorisation from the committing officer if he is not himself the committing officer, and

(ii) give to the appropriate person a copy of the order and a statement in writing of the right of appeal under paragraph (h) of this subsection,

(d) if the patient, when detained, is outside the area for which the committing officer acts, the committing officer may, with the consent of the chief medical officer of the area in which the patient is detained, amend the order to allow for the patient’s isolation in a hospital or other place convenient to the place where he is detained and the order as so amended shall have effect accordingly,

(e) where the committing officer amends the order, he shall forthwith send a copy of the order as amended to the Minister and to the health authority for which he acts and to the appropriate person,

(f) after the patient is detained, he shall be taken to the hospital or other place specified in the order and shall, subject to the provisions of this subsection, be there detained and isolated until the committing officer certifies that he is no longer a probable source of infection,

(g) the person in charge of such hospital or other place shall afford to the committing officer all reasonable facilities for visiting such hospital or other place and examining the patient therein,

(h) the patient (or the parent of the patient, where the patient is a child) may at any time appeal to the Minister in writing to direct the release of the patient,

(i) the person in charge of such hospital or other place shall afford all reasonable facilities for the purposes of any appeal under paragraph (h) of this subsection, including where appropriate facilities for the inspection of any reports and records relating to the patient and available in such hospital or other place and the provision of copies of any such reports or records,

(j) on receipt of an appeal under paragraph (h) of this subsection, the Minister shall give notice in writing of the date on which such appeal was received by
him to the person making the appeal and to the person in charge of such hospital or other place,

(k) if no determination of an appeal under paragraph (h) of this subsection is made by the Minister and communicated to the person charge of such hospital or other place within twenty-one clear days from the receipt by the Minister of such appeal, such person shall release the patient and notify the committing officer of such release and if necessary arrange for conveyance of the patient to his usual place of residence,

(l) if at any time the Minister directs the release of the patient, he shall be released by the person in charge of such hospital or other place in accordance with the direction, and such person shall, if necessary, arrange for his conveyance to his usual place of residence,

(m) where an appeal is made under paragraph (h) of this subsection the Minister shall cause one of his medical officers to examine the patient and report the result of such examination,

(i) as soon as practicable after the appeal is received by the Minister, and

(ii) at intervals thereafter not exceeding six weeks during the detention,

(n) the person in charge of such hospital or other place shall provide all reasonable facilities for an examination under paragraph (m) of this subsection,

(a) force may, if necessary, be used for the purpose of carrying out any provision of this subsection.

(3) In this section the expression “the appropriate person” means in relation to a patient—

(a) where the patient appears to be under sixteen years of age and his parent can be ascertained and reached within a time which is reasonable having regard to all the circumstances of the case—his parent,

(b) where the patient appears to be under sixteen years of age and his parent cannot be ascertained and reached within a time which is reasonable having regard to all the circumstances of the case—the person for the time being in charge of the patient,

(c) where the patient, being an adult person, is for any reason unable to act for himself—the person for the time being in charge of the patient,

(d) in any other case—the patient himself.

(4) A person to whom an order under this section relates who—

(a) resists being detained under this section or resists being brought under this section to the hospital or other place specified in the order, or

(b) wilfully misbehaves while detained in such hospital or other place,

(c) escapes or attempts to escape from detention under this section, or

(d) does not submit himself in a peaceful and orderly manner to the exercise of any power conferred by this section,

shall be guilty of an offence under this section.

(5) A person who—

(a) prevents or attempts to prevent the detention under this section of any person or the bringing under this section of any person to a hospital or other place for detention and isolation, or
(b) assists in an escape or an attempted escape of any person from detention and isolation under this section, or
(c) obstructs or interferes with the exercise of any power conferred by this section, shall be guilty of an offence under this section.

(6) A person who is guilty of an offence under this section shall, on summary conviction thereof, be liable to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(7) The cost of the maintenance and treatment of a person to whom an order under this section relates in the hospital or other place mentioned in the order (including the cost of anything done under paragraph (f), (k) or (l) of subsection (2) of this section) shall be paid by the health authority for which the medical officer who made the order acts.

38A. (1) Where, having regard to the matters specified in subsection (2), a medical officer of health believes in good faith that—

(a) a person is a potential source of infection, and
(b) the person is a potential risk to public health, and
(c) his or her detention and isolation is appropriate in order to—

(i) prevent, limit, minimise or slow the spread of Covid-19, and
(ii) minimise the risk to human life and public health,

and

d) such person cannot be effectively isolated, refuses to remain or appears unlikely to remain in his or her home or other accommodation arranged, or agreed, by the Health Service Executive,

the officer may in writing order the detention and isolation of such person in a hospital or other place specified in the order (including such other hospital or other place as may subsequently be appropriate and specified in the order) until such time as the medical officer certifies that the person’s detention is no longer required for the purposes of this section.

(2) For the purposes of subsection (1), a medical officer of health shall have regard to the following:

(a) the need to act expeditiously in order to prevent, limit, minimize or slow the spread of Covid-19;

(b) the resources of the health services including the number of health care workers available at a given time, the capacity of those workers to undertake measures, the necessity to take such measures as are appropriate to protect health care workers from infection from Covid-19, and the capacity of hospitals or other institutions to accommodate and facilitate the provision of treatment of infected persons;

(c) the policies and objectives of the Government to protect human life and public health for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19, (including the spread outside the State);

(d) the fact that Covid-19 is recently declared by the World Health Organisation to be a pandemic and any relevant guidance (including, in particular, any guidance relating to the risk assessment for, and case definition relating to, Covid-19) provided by the World Health Organisation, the European Centre
for Disease Prevention and Control or the Health Protection Surveillance Centre of the Health Service Executive;

(e) the advice of any other public health officials with relevant medical and scientific expertise.

(3) An order made under subsection (1) shall be of no effect unless the medical officer of health has certified his or her opinion as to the matters referred to in that subsection.

(4) A medical officer of health who makes an order under subsection (1) shall keep the detention order under review and ensure that a medical examination of the person who is the subject of the order is carried out as soon as possible and in any event no later than 14 days from the time the person has been detained.

(5) A person who is the subject of an order under subsection (1) may request that his or her detention be reviewed by a medical officer of health, other than the officer who makes the order concerned, on the grounds that he or she is not a potential source of infection.

(6) Where a request is made by a person under subsection (5), his or her detention shall be reviewed as soon as practicable and, where a medical officer of health who carries out the review considers that the person is not, at time of review concerned, a potential source of infection, the medical officer shall certify that the person is no longer required to be detained for the purposes of the section and the person shall be discharged accordingly.

(7) Subject to the requirements in relation to medical examination and the period of detention specified in subsection (4)—

(a) the provisions of subsections (2) (a) to (g), (3) and (4) of section 38 shall with any necessary modification apply to a person who is subject to detention and isolation under the provisions of this section, and

(b) the provisions of subsection (5) of section 38 shall with any necessary modification apply to a person who—

(i) prevents or attempts to prevent the detention, or the bringing to a hospital or other place, of any person who is subject to detention and isolation under the provisions of this section,

(ii) assists in an escape or an attempted escape of any person who is subject to detention and isolation under the provisions of this section, or

(iii) obstructs or interferes with the exercise of any power conferred by this section.

(8) A person who is guilty of an offence under this section shall, on summary conviction thereof, be liable to a class C fine or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both.

(9) The cost of the maintenance and treatment of a person to whom an order under this section relates in the hospital or other place specified in the order shall be paid by the Health Service Executive.

(10) In this section—

‘potential source of infection’ means, in relation to a person, a person who meets one or more of the following criteria:

(a) a person who has been in recent contact with a person whom the medical officer of health believes in good faith to be—

(i) a probable source of infection of Covid-19, or
(ii) suffering from Covid-19;

(b) a person who has attended an event which the medical officer of health believes in good faith was attended by a person or persons who—

(i) is or are a probable source of infection with Covid-19, or

(ii) is or are suffering from Covid-19;

(c) a person who has travelled from, or been in contact with a person or persons who has or have travelled from a place outside the State that the medical officer of health believes in good faith to have a significant number of cases of persons infected with Covid-19;

(d) a person who has travelled from, to or within, or been in contact with a person or persons who has or have travelled from, to or within a geographical area to which an affected areas order applies;

(e) any other person whom the medical officer of health believes in good faith to be a potential source of infection with Covid-19.

Burial by health authority of body of person dying from infectious disease.

39.—Where a person suffering from an infectious disease dies in an institution and such person was admitted to or maintained in such institution by or on the application of or at the cost of a health authority, that authority may either—

(a) arrange and pay for the removal of the body of such person to and the burial of such body in some burial ground near a place in the functional area of such health authority where such person was resident or lodging immediately before his admission to such institution; or

(b) contribute to the cost of the removal of such body to some other burial ground a sum not greater than the amount which such authority would be permitted to expend under paragraph (a) of this section.

Accommodation for persons compelled to leave their homes.

40.—(1) A health authority may provide accommodation for persons who are compelled to leave their homes on account of any steps taken under this Act or the regulations made there under for the prevention of the spread of infectious disease.

(2) A health authority may provide heating, lighting, furniture, equipment and any other necessaries and amenities for any accommodation provided by them under this section and may supply food, with or without a charge therefor, to any person using such accommodation.

Rehabilitation of persons suffering or recovering from infectious disease.

41.—(1) A health authority may make provision for the training and education of persons suffering or recovering from an infectious disease for employment suitable to their condition of health and for that purpose may provide and maintain such premises, workshops, farms, gardens, materials, equipment and similar facilities as are necessary.

(2) The Minister may by order direct a health authority as to the manner in which and the extent to which they are to exercise their powers under subsection (1) of this section and such health authority shall comply with such direction.

Nurses for infectious diseases.

42.—(1) A health authority may provide nurses for attendance on persons suffering from infectious disease.

(2) Where a person is attended by a nurse provided under this section, the health authority concerned may either:

(a) at their discretion but subject to any relevant regulations under section 31 of this Act, make a charge for the attendance, or
(b) make no charge therefor.

(3) A charge under subsection (2) of this section for the attendance of a nurse on any person may be recovered as a simple contract debt in any court of competent jurisdiction from—

(a) such person or, in case such person has died, his legal personal representative, or

(b) any other person liable to maintain such person for the purposes of the Public Assistance Act, 1939 (No. 27 of 1939), by virtue of section 27 of that Act or, in case such other person has died, his legal personal representative.

43. — Where—

(a) circumstances have arisen in which a provision of this Part of this Act or of any regulations made thereunder requires a person to take a precaution against the infection of other persons with a particular infectious disease, and

(b) such person has failed to take the precaution, and

(c) any other person has been without his knowledge exposed by such failure to the risk of infection with the disease, and after such exposure has been infected with the disease,

in any action against the first-mentioned person by such other person for damages suffered by reason of his having been infected with the disease, the Court shall presume that such infection was the direct result of the failure to take the precaution unless the Court is satisfied (and the onus of so satisfying the Court shall lie on the defendant) that by reason of the time of such infection or for any other reason it was unlikely that such failure caused such infection.

44.—[...]
46.—(1) A person who knows that he is verminous shall, in addition to the precautions specifically provided for by or under this Act, take every reasonable precaution to prevent his infesting others with vermin.

(2) A person who has the care of another person and knows or has reasonable cause to believe that such other person is verminous shall, in addition to any precautions specifically provided for by or under this Act, take every other reasonable precaution to prevent such other person from infesting others with vermin.

(3) A person shall be deemed conclusively to have reason to believe that he or any other person is verminous if he is notified accordingly by a medical officer of health or a health inspector.

(4) A person who contravenes subsection (1) or (2) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

47.—(1) A person shall, in addition to taking any precautions specifically provided for by or under this Act, take every other reasonable precaution to prevent the use or exposure of any article under his control or under the control of a person in his care which he has reasonable cause to believe to be verminous so as to expose other persons, or articles the property of other persons, to the risk of infestation with vermin.

(2) A person shall, in addition to taking any precautions prescribed in regulations made under section 49 of this Act, take every other reasonable precaution to prevent anybody in his employment from using or exposing any article which such person has reasonable cause to believe to be verminous so as to expose other persons, or articles the property of other persons, to the risk of infestation with vermin.

(3) A person shall be deemed conclusively to have reason to believe that an article is verminous if he is notified accordingly by a medical officer of health or a health inspector.

(4) A person who contravenes subsection (1) or (2) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

48.—(1) Where a medical officer of health becomes aware that a child residing in the area or district for which he acts is verminous, he may serve in the prescribed manner, notice on the parent of the child prohibiting the attendance of the child at any school until such medical officer of health gives a certificate (for which no charge shall be made) that the child is fit to attend school.

(2) Where a notice under subsection (1) of this section is served on a parent of a child and such parent sends the child to any school or permits the child to attend any school during the period between the service of the notice and the giving of the certificate referred to in the said subsection such parent shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

49.—(1) The Minister may make regulations prescribing precautions to be taken by the proprietors of and the persons working in any class of establishment from which, in the opinion of the Minister, there is an especial danger of the spread of infestation of persons and articles.

(2) Regulations made under this section shall not include provision for the compulsory cleansing or disinfection of persons.

(3) Regulations under this section may provide for their enforcement and execution by officers of the Minister and by health authorities and their officers and may also,
with the consent of the Minister for Local Government, provide for their enforcement and execution by officers of sanitary authorities.

(4) A person who contravenes a regulation under this section or who wilfully obstructs the execution of a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds and, in the case of a continuing offence, to a further fine not exceeding one pound for each day on which the offence is continued.

Arrangements by health authorities for disinfestation of verminous persons, buildings, etc.

50.—(1) A health authority shall make arrangements for the disinfestation of—

(a) a verminous adult person on his application;

(b) a verminous child on the application of or with the consent of his parent;

(c) a verminous building or structure in their functional area on the application of the occupier of such building or structure, or

(d) a verminous vehicle, vessel, aircraft or article in their functional area on the application of the owner of such vehicle, vessel, aircraft or article or on the application of his agent.

(2) The disinfestation of females under this section shall be carried out only by a registered medical practitioner, or by a woman duly authorised by the chief medical officer of the health authority.

(3) Notwithstanding the provisions of section 51 of this Act no charge shall be made for the disinfestation of a person or of his clothing under this section.

Chapter III.
Ancillary Provisions.

51.—(1) For the purpose of the execution of their powers and duties under this Part of this Act a health authority may provide and maintain premises, apparatus, materials or any other facilities or may make arrangements with any person for the provision of such facilities.

(2) The Minister may by order direct a health authority as to the manner in which and the extent to which they are to exercise their powers under subsection (1) of this section and such health authority shall comply with such direction.

(3) Where a person uses a facility provided under this section, the authority concerned may either—

(a) at their discretion, but subject to the provisions of section 50 of this Act and to any relevant regulation under section 31 of this Act, make a charge for the use of the facility, or

(b) make no charge therefor.

52.—(1) An offence under this Part of this Act may be prosecuted by a health authority in whose functional area the offence is committed.

(2) Any proceedings for an offence under this Part of this Act may, notwithstanding any enactment limiting the time within which such proceedings may be brought, be brought either within the time as so limited or within three months from the date on which evidence sufficient in the opinion of the Minister to justify a prosecution for the offence comes to the knowledge of the health authority by which the offence may be prosecuted.
(3) For the purposes of subsection (2) of this section the Minister may certify the
date at which the evidence mentioned in the said subsection came to the knowledge
of a health authority, and such certificate shall be conclusive evidence of the said
date.

PART V.

FOOD AND DRINK.

Definition for Part V.

53.—In this Part of this Act, the word “food” includes every article used for food
or drink by man, other than drugs or water, and

(a) any article which ordinarily enters into or is used in the composition or
preparation of human food,

(b) flavouring matters, preservatives and condiments,

(c) colouring matters intended for use in food, and

(d) compounds or mixtures of two or more foods.

Regulations for prevention of danger from food and drink.

54.—(1) The Minister may, after consultation with the Minister for Enterprise,
Trade and Employment and the Minister for Agriculture and Food, make regulations
providing for—

(a) the prevention of danger to the public health arising from the manufacture,
preparation, importation, storage, distribution or exposure for sale of food
intended for sale for human consumption,

(b) the prevention of contamination of food intended for sale for human
consumption,

(c) the prohibition and prevention of the sale or offering or keeping for sale of—

(i) articles of food intended for human consumption,

(ii) living animals intended for such food,

(iii) materials or articles used or intended for use in the preparation or
manufacture of such food,

which are diseased, contaminated or otherwise unfit for human consumption,

(d) the protection of consumer interests (including regulations requiring persons
operating in the retail, restaurant or catering sectors to provide information
on the country of origin of meat sold or otherwise supplied to consumers
where, in the opinion of the Minister, such information is not already
adequately provided under national or EU legislation),

(e) without prejudice to the generality of section 3(1) of the European Communities
Act 1972, giving effect to acts of the institutions of the European Communities
relating to the official control of foodstuffs for the protection of health.

(2) Regulations made under this section may contain such incidental, supplementary
and consequential provisions as appear to the Minister to be necessary for the purpose
of the regulations (including, in the case of regulations made under subsection (1)(e),
regulations repealing, amending or applying, with or without modifications, other
law, exclusive of this Act).

(3) A person who has gained access to information by virtue of inspections made
in the enforcement of regulations made under this section shall not disclose such
(4) A person who, on or after the commencement of this section, contravenes a regulation made under this section, or contravenes subsection (3), shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both.

(5) A person guilty of an offence under subsection (4) shall, on each day on which the contravention to which that offence relates is continued by the person after having been convicted of that offence, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €500 or to imprisonment for a term not exceeding one month or both.

(6) Regulations made under the repealed section and in force immediately before the commencement of this section shall be deemed to be made under this section and may be amended or revoked accordingly.

(7) In this section—


‘protection of consumer interests’ includes all measures for the prohibition or prevention of the processing, storage, transport, distribution, trading or selling to the prejudice of the consumer of any food which is not of the nature, substance or quality demanded by the consumer;

‘repealed section’ means section 54 of this Act as in force immediately before the commencement of this section.

55. — [...]
(4) Where—

(a) a person sells for human consumption, or prepares, manufactures, offers or keeps for sale for human consumption, any food for the composition of which a standard is prescribed by regulations under this section, and

(b) the food does not conform to such standard,

such person shall be guilty of an offence under this section.

(5) Where—

(a) a person sells for human consumption, or prepares, manufactures, offers or keeps for sale for human consumption, any food containing an ingredient for the composition of which a standard is prescribed by regulations under this section, and

(b) the ingredient does not conform to such standard,

such person shall be guilty of an offence under this section.

(6) Where—

(a) a person sells for human consumption, or offers or keeps for sale for human consumption, any food for the composition of which a standard is prescribed by regulations under this section and such regulations contain provisions in relation to the labelling or description of such food, and

(b) such food, or the packet or container in which such food is sold or offered or kept for sale is not labelled or described in accordance with the regulations,

such person shall be guilty of an offence under this section.

(7) Whenever—

(a) food, for the composition of which a standard has been prescribed by regulations under this section, has been advertised under a particular brand or trade description, and

(b) the Minister has caused samples of the food sold under that brand or trade description to be tested, and

(c) on such test any such sample has been found not to conform to the said standard,

the Minister may by order prohibit the import or sale of all food of that brand or trade description.

(8) A person who imports or sells for human consumption food of a brand or trade description to which a prohibition under subsection (7) of this section relates shall be guilty of an offence under this section.

(9) A person who is guilty of an offence under this section shall, on summary conviction thereof, be liable to a fine—

(a) in the case of a first offence, not exceeding twenty pounds, and

(b) in the case of a second or subsequent offence, not exceeding one hundred pounds,

or, at the discretion of the Court and provided that the Court is satisfied that the offence was committed by the personal act or culpable negligence of such person, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
Examination of samples of food and drink.

57.—(1) In this section, the word “proprietor” means, in relation to any food, a person by whom such food is manufactured, prepared or imported.

(2) The Minister may, after consultation with the Minister for Industry and Commerce and the Minister for Agriculture, make, in relation to any food, regulations containing all or any of the following provisions:

(a) provisions requiring the submission to the Minister by every proprietor of the food of samples of the food for examination of their nature, substance, quality or condition,

(b) provisions authorising the issue by the Minister, to any proprietor by whom any such samples are so submitted for examination, of a certificate stating the result of the examination,

(c) provisions requiring the printing on the outside of every packet or container in which the food is to be sold for human consumption or on a label affixed in the prescribed manner to such packet or container of the name of the proprietor and a copy of the relevant certificate issued to him under a regulation made pursuant to paragraph (b) of this subsection,

(d) provisions prohibiting the sale for human consumption, or the offering or keeping for sale for human consumption, of the food in a packet or container which has not printed on the outside thereof or on a label affixed thereto as the regulations may provide the name of the proprietor and a copy of the relevant certificate issued to him under a regulation made pursuant to paragraph (b) of this subsection,

(e) provisions prohibiting the sale for human consumption, or the offering or keeping for sale for human consumption, of any article of the food which is of a nature, substance or quality, or in a condition, inferior to the nature, substance, quality or condition (as the case may be) of the samples of the food submitted for examination by the proprietor of such article as stated in the relevant certificate issued to him under a regulation made pursuant to paragraph (b) of this subsection.

(3) A person who contravenes a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine or fines and such imprisonment.

(4) Notwithstanding anything contained in this section, regulations thereunder shall not, save with the consent of the Minister for Agriculture, be so framed as to apply in relation to any food in respect of which that Minister is empowered by any statutory or other enactment to prescribe standards for the composition thereof.

Giving and taking of samples, etc.

58.—(1) Regulations under this Part of this Act may—

(a) provide for the giving and the taking (without payment) of samples of food or materials or articles used or intended for use in the preparation or manufacture of food or of articles which are bye-products of the manufacture of food,

(b) provide for the carrying out of tests, examinations and analyses of such samples,
(c) prescribe the classes of persons to be responsible for the carrying out of such tests, examinations and analyses of such samples,

(d) prescribe the means by and the manner in which the test, examination or analysis is to be made,

(e) prescribe the certificate or other evidence to be given of the result of any test, examination or analysis and the classes of persons by and to whom such certificate or evidence is to be given,

(f) provide that any certificate or other evidence prescribed under paragraph (e) of this subsection and given in respect of the test, examination or analysis of a sample shall as respects that sample be evidence for all purposes of the result of such test.

(2) Whenever regulations made under subsection (1) of this section provide that any particular certificate or other evidence shall be evidence for all purposes of the result of a test, examination or analysis of a sample, such certificate or other evidence shall, as respects those samples, be accepted by all Courts of Justice as evidence of the result of such test and shall also be accepted by all Courts of Justice as evidence that such test was carried out under and in accordance with the regulations.

Enforcement of regulations under Part V, etc.

59.—Regulations under this Part of this Act may provide for all or any of the following matters—

(a) the enforcement and execution of the regulations by

(i) officers of the Minister,

(ii) health authorities,

(iii) officers of local authorities with the consent, where the Minister is not the appropriate Minister for the purposes of Part II of the Local Government Act, 1941 (No. 23 of 1941), in relation to a particular office, of the appropriate Minister for the said purposes in relation to a particular office,

(iv) officers of Customs and Excise with the consent of the Minister for Finance,

(v) officers of the Minister for Agriculture with the consent of that Minister,

(b) the empowering of specified persons or persons of a specified class (being authorised officers for the purposes of Part IX of this Act or members of the Garda Síochána exercising the powers conferred by Part IX of this Act) to seize and remove and to detain, to destroy or to have otherwise suitably disposed of—

(i) articles of food intended for human consumption,

(ii) living animals intended for such food, or

(iii) materials or articles used or intended for use in the preparation or manufacture of such food,

which are diseased, contaminated or otherwise unfit for human consumption or which do not comply with the regulations,

(c) the keeping of records by persons engaged in the manufacture, preparation, importation, storage, distribution or sale of food and the production of such records for inspection by officers concerned in the enforcement or execution of the regulations.
60.—Regulations under this Part of this Act may authorise the imposition of charges for the purposes of the regulations, or for examinations, certifications or other services performed thereunder.

61.—A person who wilfully obstructs the execution of a regulation under this Part of this Act shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £1,000 and, in the case of a continuing offence, to a further fine not exceeding £100 for each day on which the offence is continued or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine or fines and such imprisonment.

62.—(1) It shall not be lawful for any person, who carries on the business of dealing in rags, bones, waste paper, secondhand clothes or other similar articles, to sell, barter or offer or keep for sale or barter any food in or from any premises, place or vehicle used by him in connection with his said business.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding five pounds or, in the case of a second or subsequent offence, to a fine not exceeding twenty pounds.

63.—(1) The following provisions shall have effect in relation to a prosecution for an offence under this Part of this Act:

(a) any food shall be deemed, unless the contrary is proved, to have been sold or bartered or to be intended for sale or barter (as may be appropriate) for human consumption,

(b) any material or article which is found on premises used for or in the preparation or manufacture of food to be sold for human consumption and which is capable of being intended for use in such preparation or manufacture shall be deemed, unless the contrary is proved, to be so intended,

(c) where—

(i) a person has caused an analysis of any food to be made under the Sale of Food and Drugs Act, 1875, and

(ii) the analyst, having analysed such food, has given his certificate of the result of the analysis, and

(iii) it appears from the certificate that a regulation under this Part of this Act has been contravened,

such person may prosecute for the contravention and, the provisions of the Sale of Food and Drugs Acts, 1875 to 1936, relating to prosecutions shall apply as if such prosecution were a prosecution under the said Acts,

(d) if the defendant in any prosecution for an offence relating to the nature, substance, quality or condition of any food proves—

(i) that he purchased such food as of a nature, substance or quality or in a condition which would not have contravened such regulation and with a written warranty to that effect, and

(ii) that he had no reason to believe at the time when he sold such food that it was of a different nature or quality or in a different condition, and

(iii) that he sold such food in the same state as when he purchased it,
such defendant shall be discharged from the prosecution, but shall be liable
to pay the costs incurred by the prosecutor unless he gave due notice to the
prosecutor that he proposed to rely on the said defence.

(2) A statement by the manufacturer, importer, or seller of food as to its nature,
substance, quality or condition in an invoice, or on a label attached to the food, or
on the packet or container in which the food is sold shall be deemed for the purposes
of subparagraph (i) of paragraph (d) of subsection (1) of this section to be a warranty.

(3) Where it appears to the authority or officer enforcing any provision of this Part
of this Act or the regulations made thereunder that an offence has been committed
in respect of which proceedings might be taken against some person but that such
person could establish a defence under paragraph (d) of subsection (1) of this section
by proving that the offence complained of was due to an act or default of some other
person, such authority or officer may take proceedings against that other person
without taking proceedings against the first-mentioned person.

Food kept in certain establishments.

64.—(1) The Minister may by regulations specify the class or classes of establish-
ments to which this section applies.

(2) For the purpose of this Part of this Act and of any regulations made thereunder—

(a) food kept for human consumption in an establishment of a class to which this
section applies shall be deemed, unless the contrary is proved, to be kept
therein for sale for human consumption,

(b) where any such food is consumed in any such establishment by any person, it
shall be deemed unless the contrary is proved to have been sold for human
consumption,

(c) any material or article which is found in any such establishment used for or in
the preparation or manufacture of food for human consumption and which
is capable of being intended for use in such preparation or manufacture shall
be deemed, unless the contrary is proved, to be so intended,

(d) in any prosecution for an offence under this Part of this Act in relation to any
such food, the food shall be deemed, unless the contrary is proved, to have
been kept for human consumption in such establishment.

(3) In this section the word “establishment” means

(a) any school or college,

(b) any hospital, sanatorium, preventorium, nursing home, convalescent home [,
home within the meaning of the Health (Homes for Incapacitated Persons)
Act, 1964] or similar establishment,

(c) any hotel, restaurant, club, guest house, boarding house, holiday camp, hostel
or similar establishment.

PART VI.

Provisions in Relation to Medical and Toilet Preparations and Certain Other
Articles.

Control of advertisement or sale of medical and toilet prepara-
tions.

65.—[...]

34
Restriction on importation, manufacture or sale of certain articles.

66.—(1) The Minister may by order provide that—

(a) any instrument, appliance or apparatus of a class as respects which he is of opinion that the use by the general public of instruments, appliances or apparatuses of that class involves risk of serious injury to health or body, or

(b) a substance as respects which he is of opinion that it is likely, when accessible to the general public, to be used for purposes involving risk of serious injury to health or body,

shall be a restricted article for the purposes of this section.

(2) In the subsequent subsections of this section, the expression “restricted article” means an article declared by an order under this section to be a restricted article for the purposes of this section.

(3) The Minister may grant to a registered medical practitioner a permit for the importation, manufacture, sale or other disposal of a restricted article and may attach to the permit such conditions (if any) as he thinks proper.

(4) Save so far as may be authorised by a permit under subsection (3) of this section, it shall not be lawful for a person to import, manufacture, sell or otherwise dispose of, or offer or keep for sale or other disposal, a restricted article.

(5) It shall not be lawful for a person to advertise a restricted article.

(6) A person who contravenes subsection (4) or (5) of this section or who, having been granted and having availed of a permit under subsection (3) of this section, does not comply with a condition attached to the permit, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment and, in every case, to forfeiture of the restricted article in relation to which the offence was committed.

(7) Any article forfeited under subsection (6) of this section shall be disposed of in such manner as the Minister may direct.

(8) Where, on an inspection under section 94 of this Act of any premises, any restricted article is found in relation to which the person making the inspection has reasonable grounds for believing that an offence under this section has been committed, such person may seize, remove and detain the article.

(9) An offence under this section may be prosecuted by the Minister [or by the health authority in whose functional area the offence is committed.]
PART VIII.

ACQUISITION AND DISPOSAL OF LAND BY HEALTH AUTHORITIES.

Definitions for purposes of Part VIII.

77. In this Part of this Act—
the word “land” includes water and any estate or interest in land or water and any easement or right in, to, or over land or water;
the expression “compulsory acquisition order” means an order under this Part of this Act for the acquisition compulsorily of land.

Powers of health authority to acquire land.

78. [(1) The Health Service Executive may acquire land either—

(a) by agreement, subject to any general directions given by the Minister with the consent of the Minister for Finance, or

(b) compulsorily under this Part of this Act or the Acts incorporated with this Act.]

(2) Nothing in subsection (1) of this section shall be construed as affecting the operation of section 130 of the Transport Act, 1944 (No. 21 of 1944).

Incorporation of Lands Clauses Acts.

79. For the purpose of the acquisition of land under this Part of this Act by a health authority, the Lands Clauses Acts as amended by the Second Schedule to the Housing of the Working Classes Act, 1890, shall be and are hereby incorporated with this Part of this Act, but with and subject to the following modifications, that is to say—

(a) the provisions relating to the sale of superfluous land and access to the special Act, and section 133 (which relates to land tax and poor’s rate) of the Lands Clauses Consolidation Act, 1845, shall not be so incorporated;

(b) in the construction of the Lands Clauses Acts when so incorporated, this Act and the relevant compulsory acquisition order (if any) shall be deemed to be the special Act and the health authority shall be deemed to be the promoters of the undertaking;

(c) in the construction of the Second Schedule to the Housing of the Working Classes Act, 1890, when so incorporated—
the expression "local authority" shall mean a health authority;
the expression "confirming Act" shall mean this Part of this Act and the
compulsory acquisition order as made and confirmed under this Part of this
Act;
the expression "confirming authority" shall mean the Minister; and
references to the Housing of the Working Classes Act, 1890, or to Part I
thereof shall be construed as references to this Act;

(d) the arbitrator when assessing compensation shall not take into account any
building erected or any improvement or alteration made or any interest in
land created after the date on which notice of the making of the compulsory
acquisition order was published in pursuance of this Part of this Act if, in the
opinion of the arbitrator, the erection of the building or the making of the
improvement or alteration or the creation of the interest was not reasonably
necessary and was effected with a view to obtaining or increasing the
compensation.

80.—(1) An officer or agent of a health authority who is duly authorised in that
behalf by the authority may, subject to the provisions of this section, enter on any
land at all reasonable times between the hours of 9 a.m. and 6 p.m. for the purpose
of ascertaining whether the land is or is not suitable for acquisition by the authority.

(2) A person entering on land under this section may do thereon all things reasonably
necessary for the purpose for which the entry is made and, in particular, may survey,
make plans, take levels, make excavations, and examine the depth and nature of the
subsoil.

(3) Before a person enters under this section on any land the health authority on
whose authority the entry is proposed to be made shall either obtain the consent (in
the case of occupied land) of the occupier or (in the case of unoccupied land) the
owner or shall give to the owner or occupier (as the case may be) not less than four-
teen days' notice in writing of the intention to make the entry.

(4) A person to whom a notice of intention to enter on land has been given under
this section by a health authority may, not later than fourteen days after the giving
of such notice, apply, on notice to such health authority, to the justice of the District
Court having jurisdiction in the district in which the land is situate for an order
prohibiting the entry, and, upon the hearing of the application, the justice may, if he
so thinks proper, either wholly prohibit the entry or specify conditions to be observed
by the person making the entry.

(5) Where a justice in the District Court prohibits under this section a proposed
entry on land, it shall not be lawful for any person to enter under this section on the
land, and where a justice of the District Court specifies under this section conditions
to be observed by persons entering on land, every person who enters under this
section on the land shall observe the conditions so specified.

(6) A person who suffers damage by anything done under this section on any land
and, within one month after such thing is done, makes to the health authority on
whose authority the land was entered under this section a claim for compensation
in respect of the damage shall be entitled to be paid by the authority reasonable
compensation for the damage and, in default of being paid such compensation when
the amount thereof has been agreed upon or has been determined under this section,
to recover it from the authority in any court of competent jurisdiction as a simple
contract debt.

(7) In default of agreement, the amount of any compensation payable by a health
authority under this section shall, if the amount claimed in respect thereof does not
exceed twenty pounds, be determined by the District Court or, in any other case, be
determined by arbitration under the Acquisition of Land (Assessment of Compensation)
Act, 1919, (as amended by subsequent enactments) as if the compensation were the price of land compulsorily acquired.

(8) Every person who, by act or omission, obstructs an officer or agent of a health authority in the lawful exercise of the powers conferred by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds together with, in the case of a continuing offence, a further fine not exceeding one pound for every day on which the offence is continued.

81.—(1) Where a health authority desire to acquire compulsorily under this Part of this Act any particular land, they may make an order that such land be acquired compulsorily under this Part of this Act.

(2) A compulsory acquisition order shall be in the prescribed form and shall describe the lands to which it relates by reference to a map complying with the prescribed conditions.

82.—(1) Where a health authority make a compulsory acquisition order, they shall—

(a) publish at least once in one or more newspapers circulating in their functional area an advertisement in the prescribed form stating that a compulsory acquisition order has been made by them in respect of specified land and that the order and the map referred to therein may be inspected at a specified place, and

(b) give to every owner or reputed owner, lessee, or reputed lessee, and occupier of the land to which the order relates a written notice in the prescribed form containing the like statements as are mentioned in paragraph (a) of this subsection and also stating that any person aggrieved by the order may send to the Minister, in a specified manner and within a specified time, an objection to the order.

(2) A health authority who have made a compulsory acquisition order and complied in respect thereof with the foregoing provisions of this section may apply to the Minister for an order confirming such compulsory acquisition order.

83.—Where an application is made under this Part of this Act to the Minister for an order confirming a compulsory acquisition order and the Minister is satisfied that the provisions of this Part of this Act relating to matters antecedent to such application have been complied with, the following provisions shall have effect—

(a) if no objection (other than an objection which, in the opinion of the Minister, relates only to compensation) to the compulsory acquisition order is duly made to the Minister or every such objection so made is withdrawn, the Minister may, as he thinks proper, refuse to confirm the compulsory acquisition order, make an order confirming it without modification, or make an order confirming it with such modifications as he thinks proper;

(b) in any case to which paragraph (a) of this section applies, the Minister may, if he so thinks fit, before dealing with the application cause an inquiry under this Act to be held in respect of the compulsory acquisition order;

(c) if an objection (other than an objection which, in the opinion of the Minister, relates only to compensation) to the compulsory acquisition order is duly made to the Minister and is not withdrawn, the Minister shall cause an inquiry under this Act to be held in respect of the compulsory acquisition order;

(d) where an inquiry is held in pursuance of the next preceding paragraph, the Minister, having considered the report of the person by whom the inquiry was held and the objection or all the objections which occasioned the holding
of the inquiry, may, as he thinks proper, refuse to confirm the compulsory acquisition order, make an order confirming it without modification, or make an order confirming it with such modifications as he thinks proper.

84.—As soon as may be after the Minister has made an order confirming (whether with or without modification) a compulsory acquisition order, the health authority by whom the compulsory acquisition order was made shall—

(a) publish in one or more newspapers circulating in their functional area an advertisement in the prescribed form stating that the compulsory acquisition order has been confirmed by the Minister and that a copy thereof as so confirmed and the map referred to therein may be inspected at a specified place, and

(b) give to every person who appeared at the inquiry (if any) held in respect of the compulsory acquisition order to support an objection thereto made by him a written notice in the prescribed form containing the like statements as are mentioned in paragraph (a) of this section.

85.—(1) A person who or whose property is affected by a compulsory acquisition order may, within three weeks after the first publication by advertisement of notice of the confirmation of the order by the Minister, apply to the High Court for the complete or the partial annulment of the order, and the High Court, if it is satisfied that the order or any part thereof was made in excess of or was otherwise not authorised by the powers conferred by this Part of this Act or that the person making the application or any other person has been substantially prejudiced by any failure to comply in relation to the order with the provisions of this Part of this Act, may, as the High Court thinks proper, annul the whole of the order or annul a part thereof.

(2) Where an application to the High Court under this section is pending, the High Court may, if it so thinks proper, suspend the operation of the compulsory acquisition order to which the application relates until the application has been finally determined.

(3) Save as is otherwise provided by this section, a compulsory acquisition order shall not be capable of being annulled, quashed, or otherwise questioned (whether before or after confirmation by the Minister) by any court.

86.—(1) Every compulsory acquisition order which is not wholly annulled by the High Court under this Part of this Act shall (subject and without prejudice to any partial such annulment) come into operation—

(a) if an application is made under this Part of this Act to the High Court for the annulment (whether complete or partial) of the order—on the final determination of that application, or

(b) if no such application is so made—on the expiration of three weeks from the first publication by advertisement of notice of the confirmation of the order by the Minister.

(2) As soon as may be after a compulsory acquisition order comes into operation, the health authority by whom the order was made shall give a copy of the order to every person to whom notice of the making of the order was given in pursuance of this Part of this Act.

87.—Where land acquired by a health authority is subject in conjunction with other land to an annuity or other annual payment payable to the Irish Land Commission, or to the Commissioners of Public Works in Ireland, the said Commission or the said Commissioners (as the case may be) may apportion the annuity or other annual payment in such manner as they consider proper between the land so acquired and
such other land or may charge the whole of the annuity or other annual payment on any part of the land subject thereto in exoneration of the residue of such land.

Appropriation of surplus land to other purposes.

[**88.** A health board may, subject to any general directions given by the Minister with the consent of the Minister for Finance, appropriate and use for the purpose of any of its powers and duties any land vested for any purpose in it and not required for the purpose for which it was acquired.]

Disposal of surplus land.

[**89.**—[(1) The Health Service Executive may, subject to any general directions given by the Minister with the consent of the Minister for Finance, sell, exchange, let or otherwise dispose of any land vested in it.]

[(2) The proceeds of the sale under this section of any land by a health board shall, so far as such proceeds are capital money, be applied, subject to any general directions given by the Minister with the consent of the Minister for Finance, to a purpose (including the repayment of borrowed money) to which capital money may properly be applied by the board.]

(3) Where land is exchanged under this section by a health authority, the land taken in such exchange shall (subject to the provisions of this Part of this Act in relation to the appropriation and use of land not required for the purpose for which it was acquired) be applied to the purposes to which the land given in such exchange was applicable by the authority.

(4) [...]

Giving of notices under Part VIII.

[**90.**—(1) Any written notice or other document to be given in pursuance of this Part of this Act may be given in any of the following ways:—

(a) in case it is to be given to the Minister, by sending it by post in an envelope addressed to the Minister for Health, Dublin;

(b) in case it is to be given to any other person—

(i) by handing it to such person, or

(ii) by leaving it at the usual or last-known place of abode of such person, or

(iii) by sending it by post in a prepaid registered envelope addressed to such person, in the case of an individual, at his usual or last-known place of abode, or in the case of a company registered under the Companies Acts, 1908 to 1924, at its registered office, or in the case of any other body corporate or any unincorporated association, at its principal office or place of business.

(2) Where a written notice or other document is to be given in pursuance of this Part of this Act to the owner or the occupier of land and the name of such owner or occupier is not known, such document may be addressed to “the owner” or “the occupier” (as the case may be) of the land and may be given to such owner or occupier by leaving it at or affixing it in a prominent position on the land.

PART IX.

ENFORCEMENT OF THE ACT.

Authorised officers.

[**91.**—Each of the following persons shall be an authorised officer for the purpose of this Part of this Act:—]
(a) an officer of the Minister appointed in writing by the Minister to be an authorised officer for the purposes of this Part of this Act,

(b) an officer of the Minister for Agriculture appointed in writing by the Minister, with the consent of the Minister for Agriculture, to be an authorised officer for the purposes of this Part of this Act,

(c) the manager of a health authority,

(d) a chief medical officer,

(e) an officer of a health authority appointed in writing by the manager therefor to be an authorised officer for the purposes of this Part of this Act,

(f) an officer of a sanitary authority appointed in writing by the manager therefor to be an authorised officer for the purposes of this Part of this Act.

Limitations on exercise of powers of authorised officers.

92.—The powers conferred by this Part of this Act on an authorised officer, who is not an officer of the Minister or the Minister for Agriculture, shall be exercisable only within the area for which the authorised officer acts.

Requirement to state name and address.

93.—(1) Where an authorised officer has reasonable grounds for believing that a person has contravened any provision of this Act or the regulations or orders made thereunder and so informs such person, the authorised officer may, subject to subsection (2) of this section, require such person to state his name and address and, if the authorised officer thinks it necessary, to produce corroborative evidence of his name and address.

(2) An authorised officer (other than a manager or a chief medical officer) shall not make a requirement under this section unless either—

(a) he is in a uniform provided for use by him when performing his duties, or

(b) he produces, for inspection by the person on whom he makes the requirement, if that person requests him so to do, the appropriate written authority given to him by the Minister or the health authority as the case may be.

(3) Where a person fails or refuses to state his name or address in compliance with a requirement made under this section by an authorised officer or, in purported compliance with the requirement, states a name or address or produces corroborative evidence which the authorised officer has reasonable grounds for believing is false or misleading, the following provisions shall, unless the authorised officer has reasonable grounds for believing that such person is a probable source of infection with an infectious disease, have effect—

(a) the authorised person may detain such person and bring him to the nearest Garda Síochána station,

(b) such person, on being brought to the nearest Garda Síochána station, shall be detained therein, subject to a maximum period of detention of twenty-four hours, until the authorised officer becomes satisfied as to his correct name and address,

(c) force may, if necessary, be used for the purpose of carrying out any provision of this subsection.

(4) A person who—

(a) fails or refuses to state his name or address in compliance with a requirement under this section, or

(b) gives in purported compliance with a requirement under this section a name, an address or corroborative evidence which is false or misleading, or
(c) resists being detained under this section or being brought under this section to a Garda Síochána station,

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

Entry on premises.

94.—(1) Subject to subsection (2) of this section, an authorised officer (either alone or accompanied by such assistants as he thinks proper) may at all reasonable times enter and inspect any premises for the purpose of ascertaining—

(a) whether there is or has been on or in connection with the premises any contravention of any provision of this Act or of the regulations or orders made thereunder, or

(b) the extent and nature of any such contravention, or

(c) whether circumstances exist on or in connection with the premises which would require any action to be taken under this Act or the regulations made thereunder.

(2) An authorised officer (other than a manager or a chief medical officer) shall not enter any premises under this section unless he produces for inspection by the person in occupation or in charge of the premises, if such person requests him so to do, his appointment in writing as an authorised officer.

(3) Where an authorised officer is unable to gain admission to premises which he is empowered by this section to enter, either on account of being refused admission or of being unable, after reasonable inquiry, to find a person from whom to demand admission, he may break open the premises at any time between the hours of 9 a.m. and 6 p.m. on any day.

(4) An authorised officer who is an officer of a health authority (other than a manager or a chief medical officer) or an officer of a sanitary authority shall not exercise the powers conferred on him by subsection (3) of this section without a written authorisation from the manager of such authority to do so in the particular case.

(5) A person who wilfully obstructs or interferes with the exercise by an authorised officer of a power conferred by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(6) In this section, the word “premises” includes temporary dwellings and aircraft.

Assistance from member of Garda Síochána.

95.—An authorised officer may require a member of the Garda Síochána to assist him in the exercise of any power conferred on him by this Act which involves the detention of any person, the bringing of any person to any place, the breaking open of any premises or any other action in which the use of force may be necessary and is lawful, and any member of the Garda Síochána so required shall comply with the requirement.

Enforcement by Garda Síochána.

96.—(1) The Minister may, with the consent of the Minister for Justice, by order provide for the enforcement by the Garda Síochána of any specified provision of this Act or the regulations or orders made thereunder in the whole or a specified part of the State and either generally or in so far as such provision relates to a specified matter.

(2) An order under this section may, in particular, provide for all or any of the following matters:—
(a) the prosecution of offences by members of the Garda Síochána in lieu of a health authority,

(b) the conferring on members of the Garda Síochána of any of the powers specified in section 93 or section 94 of this Act,

(c) the making of payments to the Minister for Justice by a health authority in respect of the enforcement in their functional area of the provisions to which the order relates,

(d) the regulation of the amounts of any such payments, or the times at which they are to become due and of the manner in which they are to be made.

(3) A member of the Garda Síochána, for the purpose of enforcing in the functional area of a health authority a provision to which an order under this section relates, may require the authority to assist him by making available the services of a medical or other officer, by furnishing an ambulance or in any other manner within the powers of the authority, and the authority shall comply with such requirement.

(4) A member of the Garda Síochána shall not, by virtue of an order under this section, exercise a power specified in section 93 or section 94 of this Act unless—

(a) he is in uniform, or

(b) he produces for inspection by the person in relation to whom he exercises the power or in occupation or in charge of the premises in relation to which he exercises the power, if such person requests him so to do, his official identification card.

Onus of proof. 97.—In any prosecution for an offence under this Act, it shall not be necessary to negative by evidence any permit, licence or exemption under this Act or under any regulations under this Act, and the onus of proving any such permit, licence or exemption shall be on the person seeking to avail himself thereof.

PART X.

MISCELLANEOUS PROVISIONS.

Consultative Councils. 98.—[…]

(2) […]

(3) The Minister may, if at any time he requires special advice or assistance in connection with a particular matter relating to his powers and functions, by order establish a special consultative council to give in the manner specified in the order such advice or assistance.

(4) The Minister may by order determine the tenure of office of the members and the procedure of […] any consultative council established under this section.

(5) The Minister may, out of moneys provided by the Oireachtas and to such extent as may be sanctioned by the Minister for Finance, pay to the members of the National Health Council or any consultative council established under this section or of any committee of such council:—

(a) travelling expenses,

(b) subsistence allowances.
(6) The National Health Council and every consultative council established under this section shall consist of persons having practical experience or special knowledge of the matters in respect of which they are to give advice and assistance.

(7) Not less than half of the persons who are appointed to be members of the National Health Council shall be appointed by the Minister on nominations of bodies which, in the opinion of the Minister, are representative of the medical and ancillary professions (including particular branches thereof) and of persons concerned with the management of voluntary hospitals.

(8) The members of the National Health Council holding office on the 31st day of March, 1954, shall go out of office at the end of that day and the like provision shall have effect with respect to the 31st day of March in the year 1956 and in every second year thereafter.

(9) The National Health Council shall appoint one of their members to act as chairman of the Council.

(10) The quorum for a meeting of the National Health Council shall be one-third of the members, or, if the number of members is not divisible by three, one-third of the next higher number which is divisible by three.

(11) The National Health Council may, by standing orders or otherwise, regulate their own procedure.

(12) The National Health Council shall meet at least once in each quarter of the year.

(13) The National Health Council shall meet—

(i) at such times as they may be requested by the Minister to meet,

(ii) subject to subsection (14) of this section, at such times as may be determined by the Council, and

(iii) subject to subsection (14) of this section, upon a requisition to call a meeting of the Council, signed by a number of members not less than the quorum of the Council being presented to the secretary to the Council.

(14) Where three or more meetings of the National Health Council have been held in any quarter, a further meeting shall not be held in that quarter save at the request of, or with the consent of, the Minister.

(15) Every meeting of the National Health Council shall be held in private.

(16) The National Health Council may present each year to the Minister an annual report and the Minister shall publish the report with such comments (if any) as he thinks fit.

(17) The Minister shall request the advice of the National Health Council on any regulations which he proposes to make under the Health Acts, 1947 and 1953, or under the Mental Treatment Act, 1945, except where he is satisfied that the making of the regulations is a matter of urgency and, in such a case, he shall request the advice of the Council on the regulations as soon as may be after they are made.

(18) The Minister shall appoint a person to act as secretary to the National Health Council.

Dissemination of information and advice on health. 99.—[...]
Tests of the quality and nature of substances.

100.—(1) The Minister, with the consent of the Minister for Finance, may for the purposes of his powers and duties make arrangements for the carrying out of tests, examinations and analyses of the quality or nature of substances.

(2) The Minister may by regulation do any of the following things in relation to tests, examinations, or analyses arranged for under subsection (1) of this section, that is to say:—

(a) prescribe the classes of persons to be responsible for the carrying out of such tests, examinations and analyses;

(b) prescribe the means by and the manner in which the test, examination or analysis is to be made;

(c) prescribe the certificate or other evidence to be given of the result of any test, examination or analysis and the classes of persons by and to whom such certificate or evidence is to be given;

(d) provide that any certificate or other evidence prescribed under paragraph (c) of this subsection and given in respect of the test, examination or analysis of a sample of a substance shall as respects that sample be evidence for all purposes of the result of such test.

(3) Whenever regulations made under subsection (2) of this section provide that any particular certificate or other evidence shall be evidence for all purposes of the result of a test, examination or analysis of a sample of a substance, such certificate or other evidence shall, as respects those samples, be accepted by all Courts of Justice as evidence of the result of such test and shall also be accepted by all Courts of Justice as evidence that such test was carried out under and in accordance with the regulations.

Joint action by health authorities.

101.—[...]

Home nursing.

102.—[...]

Borrowing by health authority.

103.—[...]

Provision of ambulances.

104.—[...]

Provision of residences for officers and servants.

105.—A health authority may, with the approval of the Minister, and shall, if the Minister so directs, provide and maintain residences for the use of officers appointed or servants employed by them.

Amendment of Rats and Mice (Destruction) Act, 1919.

106.—The definition of the expression “occupier” in section 8 of the Rats and Mice (Destruction) Act, 1919, shall be amended by the insertion at the end thereof of the words “or in any other case the person for the time being liable to pay rates on such land.”

Dissolution of Port Sanitary Authorities.

107.—(1) The Minister after consultation with the Minister for Local Government may by order dissolve a port sanitary authority.

(2) An order under this section dissolving a port sanitary authority shall contain such provisions as the Minister thinks necessary or expedient consequential on the dissolution of such port sanitary authority and may, in particular, make provision for:—
(a) the transfer of property, rights and liabilities of the port sanitary authority to a health authority,

(b) the preservation of continuing contracts made by the port sanitary authority,

(c) the continuance of pending legal proceedings,

(d) the transfer of the holders of offices under the port sanitary authority to similar offices under a health authority, or the abolition of such offices.

(3) Where, by an order under this section, the holder of an office under a port sanitary authority is transferred to an office under a health authority, the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(4) In this section the expression “port sanitary authority” means a port sanitary authority constituted under Section 9 of the Public Health (Ireland) Act, 1896.

Compensation for damage to person or property.

108.—(1) Subject to the provisions of subsection (2) of this section any person who suffers damage by reason of an injury to his property caused by a health authority or their officers or servants in the exercise of their powers or the performance of their duties under any of the provisions of this Act except Part VIII in a matter in which he is not in default shall be entitled to recover compensation for such damage from such health authority.

(2) A person shall not be entitled to recover compensation from a health authority in respect of injury to his property caused by any measures taken for the cleansing, disinfection, disinfestation or destruction of such property where such property has been knowingly and unnecessarily exposed to infection or infestation.

(3) Any person who suffers damage by reason of injury to his person caused by the negligence of a health authority or of any of their officers or servants in the exercise of their powers or performance of their duties under this Act shall be entitled to recover compensation for such damage from such health authority.

(4) The personal representative of any person whose death is caused by the negligence of a health authority or of any of their officers or servants in the exercise of their powers or performance of their duties under this Act shall be entitled to recover damages from the health authority in respect of such death in an action brought under the Fatal Accidents Acts, 1846 to 1908.

Adaptation of enactments.

109.—(1) The Minister may by order make, in respect of any statute, order or regulation in force at the passing of this Act and relating to any matter or thing dealt with or affected by this Act, any adaptations or modifications which appear to him to be necessary to enable such statute, order or regulation to have effect in conformity with this Act.

(2) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next subsequent twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done there-under.
### FIRST SCHEDULE.

**Enactments Repealed.**

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<td>21 &amp; 22 Vic., c. 64.</td>
<td>Vaccination (Ireland) Act, 1858.</td>
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<td>41 &amp; 42 Vic., c. 52.</td>
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<td>Section 11, paragraph (3) of section 91, section 95, paragraph (3) of section 97, paragraph (6) of section 100, sections 132 to 156 and sections 158 and 258.</td>
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<td>42 &amp; 43 Vic., c. 70.</td>
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<td>53 &amp; 54 Vic., c. 34.</td>
<td>Infectious Disease (Prevention) Act, 1890.</td>
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<td>7 Edw. VII, c. 32.</td>
<td>Public Health (Regulations as to Food) Act, 1907.</td>
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<td>7 Edw. VII, c. 53.</td>
<td>Public Health Acts Amendment Act, 1907.</td>
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## SECOND SCHEDULE.

**Matters for which provision may be made in regulations for the prevention of the spread of infectious disease.**

1. The requiring of registered medical practitioners and other persons to notify a medical officer of health of cases or suspected cases of a particular infectious disease or of probable sources of infection with an infectious disease coming under their notice and the prescribing of the manner in which and the time within which the notifications are to be given.

2. The requiring of adult persons to submit themselves, or the parents of children to submit such children, to examinations by registered medical practitioners to find out whether such adult persons or children are probable sources of infection and the requiring of such adult persons or parents to afford to such practitioners all reasonable facilities for such examinations, including the permission to take blood or other specimens for examinations or tests.

3. The requiring of adult persons to submit themselves, or the parents of children to submit such children, to specified measures in relation to the protection or immunisation of such adult persons or children against a particular infectious disease.

4. The requiring of adult persons to remain in their homes or the parents of children to keep the children in their homes and the requiring of such adult persons or parents
to take in such homes precautions by way of isolation or otherwise against the spread of infection.

5. The requiring of adult persons to remain away from specified places or the parents of children to keep the children away from specified places.

6. The prohibition of parents of children suffering from infectious disease from sending the children to, or permitting them, to attend, school.

7. The restriction of the attendance at school of children who are probable sources of infection with infectious diseases, and the duty of parents to ensure compliance with the restrictions.

8. The furnishing by school managers of schools or colleges, at which cases of infectious diseases have occurred, of list of names and addresses of pupils or students.


10. The powers and duties of owners and persons in charge of public conveyances as regards persons conveyed therein who are probable sources of infection with infectious diseases.

11. The inspection of buildings and structures, vehicles, vessels and aircraft.

12. The compulsory cleansing, disinfection or disinestation of persons, buildings, structures, vehicles, vessels, aircraft or articles and the compulsory destruction of rats.

13. The safe disposal or destruction of infected or dirty articles.

14. Precautions against infected food and drink.

15. Precautions against the spread of infection from animals.

16. The burial of the bodies of persons who have died from infectious disease and the custody and transport of such bodies before burial.

17. Restrictions on the holding of wakes.

18. The requiring of health authorities to provide medical services or institutional accommodation and treatment at the cost either of themselves or of the recipients as the regulations shall provide.

19. The requiring of health authorities to pay registered medical practitioners fees for notifications of cases or suspected cases of infectious disease.

20. Precautions against the spread of infectious disease from vessels or aircraft coming into or leaving the State or from passengers or crews of such vessels or aircraft, including:—

(a) duties to be performed by masters, pilots and other persons on board vessels or aircraft,

(b) the detention of vessels or aircraft or persons on board vessels or aircraft,

(c) the display of signals on, and the sending of messages by wireless telegraphy or otherwise from, vessels or aircraft having on board cases or suspected cases of infectious disease,

(d) the questions to be answered by masters, pilots and other persons on board vessels or aircraft which have put into port or landed as to cases or suspected cases of infectious disease on board during voyage or on arrival.
21. The giving to the public of information and advice with respect to infectious disease by advertisements, notices, pamphlets, lectures, radio, cinema exhibitions or any other means.

22. The definition for the purposes of the relevant regulations of a particular infectious disease in any suitable manner including, in particular, by reference to any stage of the disease.