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.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.
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 annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to 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.

Acts which affect or previously affected this revision

• Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (1/2020)
• Freedom of Information Act 2014 (30/2014)
• Water Services (No. 2) Act 2013 (50/2013)
• Health (Miscellaneous Provisions) Act 2010 (18/2010)
• Fines Act 2010 (8/2010)
• Nursing Homes Support Scheme Act 2009 (15/2009)
• Water Services Act 2007 (30/2007)
• Medical Practitioners Act 2007 (25/2007)
• Health Act 2007 (23/2007)
• Consumer Protection Act 2007 (19/2007)
• Health Act 2004 (42/2004)
• Health (Amendment) Act 2004 (19/2004)
• Civil Registration Act 2004 (3/2004)
• Health (Amendment) (No. 3) Act 1996 (32/1996)
• Irish Medicines Board Act 1995 (29/1995)
• Health (Family Planning) (Amendment) Act 1992 (20/1992)
• Child Care Act 1991 (17/1991)
• Abattoirs Act 1988 (8/1988)
• Health (Amendment) Act 1986 (10/1986)
• Misuse of Drugs Act 1977 (12/1977)
• Health Act 1970 (1/1970)
• Local Government (Repeal of Enactments) Act 1964 (33/1964)
• Health (Homes For Incapacitated Persons) Act 1964 (8/1964)
• Poisons Act 1961 (21/1961)
• Health Authorities Act 1960 (9/1960)
• Health Act 1953 (26/1953)
• Health Services (Financial Provisions) Act 1947 (47/1947)

All Acts up to and including Emergency Measures in the Public Interest (Covid-19) Act 2020 (2/2020), enacted 27 March 2020, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

• Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Amendment) Regulations 2020 (S.I. No. 128 of 2020)
• Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) Regulations 2020 (S.I. No. 121 of 2020)
• Health Act 1947 (Affected Areas) Order 2020 (S.I. No. 120 of 2020)
• Infectious Diseases (Amendment) Regulations 2020 (S.I. No. 53 of 2020)
• Health (Out-Patient Charges) Regulations 2019 (S.I. No. 693 of 2019)
• Infectious Diseases (Preventative Measures) (Hiv Prep) Regulations 2019 (S.I. No. 531 of 2019)
• Infectious Diseases (Amendment) Regulations 2018 (S.I. No. 567 of 2018)
• Health Services (Drug Payment Scheme) Regulations 2017 (S.I. No. 577 of 2017)
• Health (Out-Patient Charges) Regulations 2017 (S.I. No. 548 of 2017)
• Food Hygiene (Revocation of Certain Provisions) Regulations 2017 (S.I. No. 528 of 2017)
• Consultative Council on Hepatitis C (Membership) Order 2017 (S.I. No. 510 of 2017)
• Food Standards (Ice-Cream) (Revocation) Regulations 2017 (S.I. No. 195 of 2017)
• Infectious Diseases (Amendment) Regulations 2016 (S.I. No. 276 of 2016)
• Infectious Diseases (Amendment) Regulations 2015 (S.I. No. 566 of 2015)
• Health (Provision of Food Allergen Information to Consumers in respect of Non-Prepacked Food) Regulations 2014 (S.I. No. 489 of 2014)
• Consultative Council on Hepatitis C (Establishment) Order 1996 (Amendment) Order 2013 (S.I. No. 131 of 2013)
• Health (Out-Patient Charges) Regulations 2013 (S.I. No. 45 of 2013)
• Health Services (Drug Payment Scheme) Regulations 2012 (S.I. No. 526 of 2012)
• Health (Definition of Marginal, Localised and Restricted Activity) (Retail Catering Establishments) Regulations 2012 (S.I. No. 168 of 2012)
• Health Services (Drug Payment Scheme) Regulations 2011 (S.I. No. 648 of 2011)
• Infectious Diseases (Amendment) Regulations 2011 (S.I. No. 452 of 2011)
• Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011)
• Health (Definition of Marginal, Localised and Restricted Activity) (Butcher Shop) Regulations 2010 (S.I. No. 340 of 2010)
• European Communities (Official Control of Foodstuffs) Regulations 2010 (S.I. No. 117 of 2010)
• Health Services (Drugs Payment Scheme) Regulations 2009 (S.I. No. 536 of 2009)
• Infectious Diseases (Aircraft) Regulations 2009 (S.I. No. 411 of 2009)
• Infectious Diseases (Maintenance Allowance) Regulations 2009 (S.I. No. 581 of 2008)
• Infectious Diseases Maintenance Allowance (Increased Payment) Regulations 2008 (S.I. No. 580 of 2008)
• Health (Out-Patient Charges) (Amendment) Regulations 2008 (S.I. No. 544 of 2008)
• Health (In-Patient Charges) (Amendment) Regulations 2008 (S.I. No. 543 of 2008)
• Health Services Regulations 2008 (S.I. No. 519 of 2008)
• Infectious Diseases (Shipping) Regulations 2008 (S.I. No. 4 of 2008)
• Health Services Regulations 2007 (S.I. No. 837 of 2007)
• Infectious Diseases (Maintenance Allowances) Regulations 2008 (S.I. No. 836 of 2007)
• Health (Out-Patient Charges) (Amendment) Regulations 2007 (S.I. No. 825 of 2007)
• Health (In-Patient Charges) (Amendment) Regulations 2007 (S.I. No. 824 of 2007)
• Infectious Diseases Maintenance Allowance (Increased Payment) Regulations 2007 (S.I. No. 785 of 2007)
• Infectious Diseases (Amendment) Regulations 2007 (S.I. No. 559 of 2007)
• European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. No. 656 of 2006)
• Infectious Diseases (Maintenance Allowances) Regulations 2007 (S.I. No. 618 of 2006)
• Maintenance Allowances (Increased Payment) Regulations 2006 (S.I. No. 598 of 2006)
• European Communities (Free Movement of Persons) Regulations 2006 (S.I. No. 226 of 2006)
• Infectious Diseases (Maintenance Allowances) Regulations 2006 (S.I. No. 825 of 2005)
• Health Services Regulations 2005 (S.I. No. 832 of 2004)
• Health (Out-Patient Charges) (Amendment) Regulations 2004 (S.I. No. 826 of 2004)
• Health (In-Patient Charges) (Amendment) Regulations 2004 (S.I. No. 825 of 2004)
• Maintenance Allowances (Increased Payment) Regulations 2004 (S.I. No. 768 of 2004)
• Infectious Diseases (Maintenance Allowances) Regulations 2004 (S.I. No. 734 of 2003)
• Infectious Diseases (Amendment) (No. 3) Regulations 2003 (S.I. No. 707 of 2003)
• Health Services Regulations 2004 (S.I. No. 658 of 2003)
• Health (In-Patient Charges) (Amendment) Regulations 2003 (S.I. No. 654 of 2003)
• Health (Out-Patient Charges) (Amendment) Regulations 2003 (S.I. No. 653 of 2003)
• Maintenance Allowances (Increased Payment) Regulations 2003 (S.I. No. 617 of 2003)
• Health (Out-Patient Charges) (Amendment) Regulations 2003 (S.I. No. 349 of 2003)
• Health (In-Patient Charges) (Amendment) Regulations 2003 (S.I. No. 348 of 2003)
• Infectious Diseases (Amendment No. 2) Regulations 2003 (S.I. No. 180 of 2003)
• Infectious Diseases (Amendment) Regulations 2003 (S.I. No. 115 of 2003)
• Health Services Regulations 2003 (S.I. No. 603 of 2002)
• Health (In-Patient Charges) (Amendment) (No. 2) Regulations 2002 (S.I. No. 553 of 2002)
• Maintenance Allowances (Increased Payment) Regulations 2002 (S.I. No. 547 of 2002)
• Health Services Regulations 2002 (S.I. No. 368 of 2002)
• Health (In-Patient Charges) (Amendment) Regulations 2002 (S.I. No. 367 of 2002)
• Health (Out-Patient Charges) (Amendment) Regulations 2002 (S.I. No. 366 of 2002)
• Infectious Diseases (Maintenance Allowances) Regulations 2002 (S.I. No. 592 of 2001)
• Health (Out-Patient Charges) (Amendment) Regulations 2001 (S.I. No. 583 of 2001)
• Health (In-Patient Charges) (Amendment) Regulations 2001 (S.I. No. 582 of 2001)
• Maintenance Allowances (Increased Payment) Regulations 2001 (S.I. No. 549 of 2001)
• Infectious Diseases (Maintenance Allowances) Regulations 2001 (S.I. No. 119 of 2001)
• Health Services Regulations 2001 (S.I. No. 66 of 2001)
• Maintenance Allowances (Increased Payment) Regulations 2000 (S.I. No. 394 of 2000)
• Infectious Diseases (Amendment) Regulations 2000 (S.I. No. 151 of 2000)
• Infectious Diseases (Maintenance Allowances) Regulations 2000 (S.I. No. 114 of 2000)
• Health (Out-Patient Charges) (Amendment) Regulations 1999 (S.I. No. 402 of 1999)
• Health (In-Patient Charges) (Amendment) Regulations 1999 (S.I. No. 401 of 1999)
• Maintenance Allowances (Increased Payment) Regulations 1999 (S.I. No. 369 of 1999)
• Health (Prevention of Danger To Public Health) Regulations 1999 (S.I. No. 186 of 1999)
• Infectious Diseases (Maintenance Allowances) Regulations 1999 (S.I. No. 157 of 1999)
• Infectious Diseases (Maintenance Allowances) (Increased Payment) Regulations 1998 (S.I. No. 525 of 1998)
• Irish Medicines Board (Competent Authority) Order 1998 (S.I. No. 143 of 1998)
• Infectious Diseases (Maintenance Allowances) Regulations 1998 (S.I. No. 115 of 1998)
• Health (Inpatient Charges) (Amendment) Regulations 1997 (S.I. No. 510 of 1997)
• Health (Outpatient Charges) (Amendment) Regulations 1997 (S.I. No. 509 of 1997)
• Maintenance Allowances (Increased Payment) Regulations 1997 (S.I. No. 479 of 1997)
• Infectious Diseases (Maintenance Allowances) Regulations 1997 (S.I. No. 234 of 1997)
• Infectious Diseases (Amendment) Regulations 1996 (S.I. No. 384 of 1996)
• Maintenance Allowances (Increased Payment) Regulations 1996 (S.I. No. 346 of 1996)
• Health (Official Control of Food) Approved Laboratories Order 1996 (S.I. No. 242 of 1996)
• Health (Official Control of Food) Regulations 1996 (S.I. No. 241 of 1996)
• Infectious Diseases (Maintenance Allowances) Regulations 1996 (S.I. No. 166 of 1996)
• Disabled Persons Maintenance Allowances Regulations 1996 (S.I. No. 165 of 1996)
• Maintenance Allowances (Increased Payment) Regulations 1995 (S.I. No. 313 of 1995)
• Health (Extraction Solvents in Foodstuffs) Regulations 1995 (S.I. No. 283 of 1995)
• Infectious Diseases (Maintenance Allowances) Regulations 1995 (S.I. No. 140 of 1995)
• Medical Preparations (Labelling and Package Leaflets) (Amendment) Regulations 1994 (S.I. No. 440 of 1994)
• Medical Preparations (Licensing, Advertisement and Sale) (Amendment) Regulations 1994 (S.I. No. 439 of 1994)
• Maintenance Allowances (Increased Payment) Regulations 1994 (S.I. No. 336 of 1994)
• Infectious Diseases (Maintenance Allowances) Regulations 1994 (S.I. No. 236 of 1994)
• Health (Emulsifiers, Stabilisers, Thickeners and Gelling Agents in Food) Regulations 1994 (S.I. No. 78 of 1994)
• Health (In-Patient Charges) (Amendment) Regulations 1994 (S.I. No. 38 of 1994)
• Health (Out-Patient Charges) Regulations 1994 (S.I. No. 37 of 1994)
• Health (Tin in Food) Regulations 1993 (S.I. No. 389 of 1993)
• Health (Nutrition Labelling for Foodstuffs) Regulations 1993 (S.I. No. 388 of 1993)
• Health (Extraction Solvents in Foodstuffs) Regulations 1993 (S.I. No. 387 of 1993)
• Maintenance Allowances (Increased Payment) Regulations 1993 (S.I. No. 331 of 1993)
• Infectious Diseases (Maintenance Allowances) Regulations 1993 (S.I. No. 212 of 1993)
• Disabled Persons (Maintenance Allowances) Regulations 1993 (S.I. No. 211 of 1993)
• Medical Preparations (Advertising) Regulations 1993 (S.I. No. 76 of 1993)
• Medical Preparations (Labelling & Package Leaflets) Regulations 1993 (S.I. No. 71 of 1993)
• Medical Preparations (Licensing, Advertisement & Sale) (Amendment) Regulations 1993 (S.I. No. 70 of 1993)
• Medical Preparations (Prescription and Control of Supply) Regulations 1993 (S.I. No. 69 of 1993)
• Medical Preparations (Licensing of Manufacture) Regulations, 1993 (Amendment) Regulations 1993 (S.I. No. 68 of 1993)
• Health (Out-Patient Charges) (Amendment) Regulations 1993 (S.I. No. 51 of 1993)
• Health (In-Patient Charges) (Amendment) Regulations 1993 (S.I. No. 50 of 1993)
• Medical Preparations (Licensing of Manufacture) Regulations 1993 (S.I. No. 40 of 1993)
• Medical Preparations (Licensing of Manufacture) Regulations 1992 (S.I. No. 213 of 1992)
• Infectious Diseases (Maintenance) Regulations 1992 (S.I. No. 212 of 1992)
• Health (Cyclamate in Food) (Amendment) Regulations 1992 (S.I. No. 73 of 1992)
• Health (Arsenic and Lead in Food) (Amendment) Regulations 1992 (S.I. No. 72 of 1992)
• Health (Mineral Hydrocarbons in Food) (Amendment) Regulations 1992 (S.I. No. 71 of 1992)
• European Communities (Health Act, 1947, Amendment of Sections 54 and 61) Regulations 1991 (S.I. No. 333 of 1991)
• Health (Official Control of Food) Regulations 1991 (S.I. No. 332 of 1991)
• Health (Foods For Particular Nutritional Uses) Regulations 1991 (S.I. No. 331 of 1991)
• Maintenance Allowance (Increased Payment) Regulations 1991 (S.I. No. 309 of 1991)
• Health Services Regulations 1991 (S.I. No. 203 of 1991)
• Infectious Diseases (Maintenance) Regulations 1991 (S.I. No. 199 of 1991)
• Health (In-Patient Charges) (Amendment) Regulations 1990 (S.I. No. 335 of 1990)
• Health Services Regulations 1990 (S.I. No. 334 of 1990)
• Maintenance Allowances (Increased Payment) Regulations 1990 (S.I. No. 284 of 1990)
• Disabled Persons (Maintenance Allowances) Regulations 1990 (S.I. No. 193 of 1990)
• Infectious Diseases (Maintenance) Regulations 1990 (S.I. No. 190 of 1990)
• Health Services (Amendment) Regulations 1990 (S.I. No. 132 of 1990)
• Health (Emulsifiers, Stabilisers, Thickening and Gelling Agents in Food) (Amendment) Regulations 1990 (S.I. No. 102 of 1990)
• Medical Preparations (Wholesale Licences) (Amendment) Regulations 1989 (S.I. No. 348 of 1989)
• Medical Preparations (Licensing, Advertisement and Sale) (Amendment) Regulations 1989 (S.I. No. 347 of 1989)
• Maintenance Allowances (Increased Payment) Regulations 1989 (S.I. No. 320 of 1989)
• Health (Preservatives in Food) (Amendment) Regulations 1989 (S.I. No. 263 of 1989)
• Medical Preparations (Amendment of Fees) Regulations 1989 (S.I. No. 223 of 1989)
• Infectious Diseases (Maintenance) Regulations 1989 (S.I. No. 192 of 1989)
• Health Services (Amendment) Regulations 1989 (S.I. No. 113 of 1989)
• Food Hygiene (Amendment) Regulations 1989 (S.I. No. 62 of 1989)
• Maintenance Allowances (Increased Payment) Regulations 1988 (S.I. No. 316 of 1988)
• Infectious Diseases (Amendment) Regulations 1988 (S.I. No. 288 of 1988)
• Infectious Diseases (Maintenance) Regulations 1988 (S.I. No. 151 of 1988)
• Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1988 (S.I. No. 193 of 1988)
• Health Services (Amendment) Regulations 1988 (S.I. No. 106 of 1988)
• Medical Preparations (Amendment of Fees) Regulations 1988 (S.I. No. 10 of 1988)
• Infectious Diseases (Maintenance) (No. 2) Regulations 1987 (S.I. No. 300 of 1987)
• Disabled Persons (Maintenance Allowances) (No. 2) Regulations 1987 (S.I. No. 252 of 1987)
• Infectious Diseases (Maintenance) Regulations 1987 (S.I. No. 197 of 1987)
• Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1987 (S.I. No. 196 of 1987)
• Health Services (Amendment) (No. 2) Regulations 1987 (S.I. No. 134 of 1987)
• Health (In-Patient Charges) Regulations 1987 (S.I. No. 116 of 1987)
• Health (Out-Patient Charges) Regulations 1987 (S.I. No. 114 of 1987)
• Medical Preparations (Amendment of Fees) Regulations 1987 (S.I. No. 49 of 1987)
• Medical Preparations (Control of Sale) Regulations 1987 (S.I. No. 49 of 1987)
• Infectious Diseases (Maintenance) (No. 2) Regulations 1986 (S.I. No. 403 of 1986)
• Disabled Persons (Maintenance Allowances) (No. 2) Regulations 1986 (S.I. No. 373 of 1985)
• Infectious Diseases (Maintenance) Regulations 1986 (S.I. No. 228 of 1986)
• Health (Hospital In-Patient Charges) (Amendment) Regulations 1986 (S.I. No. 221 of 1986)
• Health Services (Amendment) Regulations 1986 (S.I. No. 109 of 1986)
• Medical Preparations (Amendment of Fees) Regulations 1986 (S.I. No. 49 of 1986)
• Health (Restricted Article) Order 1985 (S.I. No. 429 of 1985)
• Disabled Persons (Maintenance Allowances) (No. 2) Regulations 1985 (S.I. No. 373 of 1985)
• Infectious Diseases (Maintenance) (No. 2) Regulations 1985 (S.I. No. 372 of 1985)
• Infectious Diseases (Amendment) Regulations 1985 (S.I. No. 268 of 1985)
• Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1985 (S.I. No. 190 of 1985)
• Infectious Diseases (Maintenance) Regulations 1985 (S.I. No. 189 of 1985)
• Health (Emulsifiers, Stabilisers, Thickening and Gelling Agents in Food) (Amendment) Regulations 1985 (S.I. No. 186 of 1985)
• Medical Preparations (Amendment of Fees) Regulations 1985 (S.I. No. 159 of 1985)
• Health Services (Amendment) Regulations 1985 (S.I. No. 145 of 1985)
• Infectious Diseases (Maintenance) (No. 2) Regulations 1984 (S.I. No. 306 of 1984)
• Disabled Persons (Maintenance Allowances) (No. 2) Regulations 1984 (S.I. No. 305 of 1984)
• Medical Preparations (Licensing, Advertisement and Sale) Regulations 1984 (S.I. No. 210 of 1984)
• Infectious Diseases (Maintenance) Regulations 1984 (S.I. No. 135 of 1984)
• Health Services (Amendment) Regulations 1984 (S.I. No. 123 of 1984)
• Health Services (Amendment) Regulations 1984 (S.I. No. 95 of 1984)
• Health (Hospital In-Patient Charges) Regulations 1984 (S.I. No. 94 of 1984)
• Medical Preparations (Amendment of Fees) Regulations 1984 (S.I. No. 85 of 1984)
- Health (Colouring Agents in Food) (Amendment) Regulations 1978 (S.I. No. 140 of 1978)
- Health (Erucic Acid in Food) Regulations 1978 (S.I. No. 123 of 1978)
- Infectious Diseases (Maintenance) Regulations 1978 (S.I. No. 55 of 1978)
- Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1978 (S.I. No. 54 of 1978)
- Infectious Diseases (Maintenance) (No. 2) Regulations 1977 (S.I. No. 315 of 1977)
- Disabled Persons (Maintenance Allowances) (Amendment) (No. 2) Regulations 1977 (S.I. No. 314 of 1977)
- Food Hygiene Regulations, 1950 (Shellfish Controlled Area) Order 1977 (S.I. No. 113 of 1977)
- Infectious Diseases (Maintenance) Regulations 1977 (S.I. No. 80 of 1977)
- Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1977 (S.I. No. 79 of 1977)
- Infectious Diseases (Maintenance) (No. 2) Regulations 1976 (S.I. No. 261 of 1976)
- Disabled Persons (Maintenance Allowances) (Amendment) (No. 2) Regulations 1976 (S.I. No. 260 of 1976)
- Infectious Diseases (Amendment) Regulations 1976 (S.I. No. 214 of 1976)
- Health (Charges For In-Patient Services) Regulations 1976 (S.I. No. 180 of 1976)
- Health Services (Amendment) Regulations 1976 (S.I. No. 142 of 1976)
- Health Services Regulations 1976 (S.I. No. 97 of 1976)
- Medical Preparations (Control of Sale) (Amendment) Regulations 1976 (S.I. No. 82 of 1976)
- Infectious Diseases (Maintenance) Regulations 1976 (S.I. No. 68 of 1976)
- Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1976 (S.I. No. 67 of 1976)
- Medical Preparations (Licensing of Manufacture) (Amendment) Regulations 1975 (S.I. No. 302 of 1975)
- Disabled Persons (Maintenance Allowances) (Amendment) (No. 2) Regulations 1975 (S.I. No. 221 of 1975)
- Infectious Diseases (Maintenance) (Amendment) Regulations 1975 (S.I. No. 220 of 1975)
- Health Services (Amendment) Regulations 1975 (S.I. No. 64 of 1975)
- Infectious Diseases (Maintenance) Regulations 1975 (S.I. No. 40 of 1975)
- Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1975 (S.I. No. 39 of 1975)
- Infectious Diseases (Maintenance) Regulations 1974 (S.I. No. 186 of 1974)
- Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1974 (S.I. No. 185 of 1974)
- Health Services Regulations 1974 (S.I. No. 90 of 1974)
- Health Services Regulations 1973 (S.I. No. 184 of 1973)
- Infectious Diseases (Maintenance) Regulations 1973 (S.I. No. 161 of 1973)
- Health (Colouring Agents in Food) Regulations 1973 (S.I. No. 149 of 1973)
- Health (Preservatives in Food) Regulations 1973 (S.I. No. 147 of 1973)
- Health (Solvents in Food) Regulations 1972 (S.I. No. 304 of 1972)
- Health (Antioxidant in Food) (Amendment) Regulations 1972 (S.I. No. 303 of 1972)
- Health (Preservatives in Food) (Amendment) Regulations 1972 (S.I. No. 302 of 1972)
- Health (Colouring Matter in Food) (Amendment) Regulations 1972 (S.I. No. 301 of 1972)
- Infectious Diseases (Maintenance) Regulations 1972 (S.I. No. 169 of 1972)
- Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1972 (S.I. No. 168 of 1972)
- Health Services Regulations 1972 (S.I. No. 88 of 1972)
- Public Health (Preservatives, Etc., in Food Regulations, 1928 and 1943) (Amendment) Regulations 1972 (S.I. No. 46 of 1972)
- Health (Mineral Hydrocarbons in Food) Regulations 1972 (S.I. No. 45 of 1972)
• Health (Arsenic and Lead in Food) Regulations 1972 (S.I. No. 44 of 1972)
• Health (Preservatives in Food) Regulations 1972 (S.I. No. 43 of 1972)
• Health (Antioxidant in Food) Regulations 1972 (S.I. No. 42 of 1972)
• Health (Colouring Matter in Food) Regulations 1972 (S.I. No. 41 of 1972)
• Food Hygiene (Amendment) Regulations 1971 (S.I. No. 322 of 1971)
• Health Services (Amendment) Regulations 1971 (S.I. No. 277 of 1971)
• Medical Preparations (Control of Sale) (Amendment) Regulations 1971 (S.I. No. 272 of 1971)
• Infectious Diseases (Maintenance) Regulations 1971 (S.I. No. 208 of 1971)
• Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1971 (S.I. No. 207 of 1971)
• Health Boards (Functions of Chief Executive Officers) Order 1971 (S.I. No. 107 of 1971)
• Health Act, 1970 (Adaptation) Regulations 1971 (S.I. No. 106 of 1971)
• Health Services (Amendment) Regulations 1971 (S.I. No. 105 of 1971)
• Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1970 (S.I. No. 169 of 1970)
• Infectious Diseases (Maintenance) Regulations 1970 (S.I. No. 168 of 1970)
• Medical Preparations (Control of Amphetamine) (Amendment) Regulations 1970 (S.I. No. 137 of 1970)
• Health (Sampling of Food) Regulations 1970 (S.I. No. 50 of 1970)
• Health (Cyclamate in Food) Regulations 1970 (S.I. No. 19 of 1970)
• Medical Preparations (Control of Amphetamine) Regulations 1969 (S.I. No. 244 of 1969)
• Infectious Diseases (Maintenance) Regulations 1969 (S.I. No. 143 of 1969)
• Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1969 (S.I. No. 142 of 1969)
• Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1968 (S.I. No. 155 of 1968)
• Infectious Diseases (Maintenance) Regulations 1968 (S.I. No. 154 of 1968)
• Infectious Diseases (Amendment) Regulations 1968 (S.I. No. 114 of 1968)
• General Institutional and Specialist Services (Amendment) Regulations 1968 (S.I. No. 57 of 1968)
• Infectious Diseases (Amendment) Regulations 1967 (S.I. No. 258 of 1967)
• Infectious Diseases (Maintenance) Regulations 1967 (S.I. No. 189 of 1967)
• Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1967 (S.I. No. 188 of 1967)
• Medical Preparations (Control of Sale) Regulations 1966 (S.I. No. 261 of 1966)
• Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1966 (S.I. No. 244 of 1966)
• Infectious Diseases (Maintenance) (Amendment) Regulations 1966 (S.I. No. 243 of 1966)
• Maternity and Child Health Services (Amendment) (No. 2) Regulations 1966 (S.I. No. 105 of 1966)
• Maternity and Child Health Services (Amendment) Regulations 1966 (S.I. No. 70 of 1966)
• General Institutional and Specialist Services (Amendment) Regulations 1966 (S.I. No. 69 of 1966)
• Infectious Diseases (Certificates of Vaccination Against Smallpox) Regulations 1966 (S.I. No. 23 of 1966)
• Institutional Assistance Regulations 1965 (S.I. No. 177 of 1965)
• Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1965 (S.I. No. 176 of 1965)
• Infectious Diseases (Maintenance) Regulations 1965 (S.I. No. 175 of 1965)
• Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) Order 1965 (S.I. No. 125 of 1965)
• Infectious Diseases (Maintenance) Regulations 1964 (S.I. No. 193 of 1964)
• Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1964 (S.I. No. 192 of 1964)
• Maternity and Child Health Services (Amendment) Regulations 1964 (S.I. No. 158 of 1964)
• Infectious Diseases (Maintenance) Regulations 1963 (S.I. No. 200 of 1963)
• Disabled Persons (Maintenance Allowances) Regulations 1963 (S.I. No. 142 of 1963)
• Disabled Persons (Rehabilitation) Regulations 1963 (S.I. No. 141 of 1963)
• Medical Preparations (Control of Sale) Regulations 1963 (S.I. No. 82 of 1963)
Medic al Preparations (Control of Sale) (Temporary) Regulations 1962 (S.I. No. 199 of 1962)
Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1962 (S.I. No. 133 of 1962)
Infectious Diseases (Maintenance) Regulations 1962 (S.I. No. 132 of 1962)
Food Hygiene (Amendment) Regulations 1961 (S.I. No. 24 of 1961)
Disabled Persons (Maintenance Allowances) Regulations 1960 (S.I. No. 261 of 1960)
Waterford Board of Public Assistance (Health Functions) Order 1958 (S.I. No. 270 of 1958)
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Dublin Public Assistance Authorities (Health Functions) Order 1958 (S.I. No. 268 of 1958)
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Infectious Diseases (Amendment) Regulations 1958 (S.I. No. 148 of 1958)
Medical Preparations (Advertisement and Sale) Regulations 1958 (S.I. No. 135 of 1958)
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Maternity and Child Health Services (Amendment) (No. 2) Regulations 1956 (S.I. No. 142 of 1956)
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Milk For Mothers and Children Regulations 1954 (S.I. No. 97 of 1954)
Medical Preparations (Barbiturates) Regulations 1954 (S.I. No. 30 of 1954)
Maternity Cash Grants Regulations 1953 (S.I. No. 410 of 1953)
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Infectious Diseases (Maintenance) Regulations 1952 (S.I. No. 300 of 1952)
• Infectious Diseases (Amendment) Regulations 1952 (S.I. No. 291 of 1952)
• Food Hygiene (Amendment) Regulations 1952 (S.I. No. 289 of 1952)
• Food Standards (Ice-Cream) Regulations 1952 (S.I. No. 227 of 1952)
• Western Health Institutions Committee Order 1952 (S.I. No. 194 of 1952)
• Infectious Diseases (Temporary Provisions) Regulations, 1952 (Revocation) Regulations 1952 (S.I. No. 166 of 1952)
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• Infectious Diseases (Temporary Provisions) Regulations 1952 (S.I. No. 53 of 1952)
• Infectious Diseases (Amendment) Regulations 1951 (S.I. No. 318 of 1951)
• Hospital of Saint Margaret of Cortona Transfer Order 1951 (S.I. No. 77 of 1951)
• Health Act, 1947 (Adaptation) Order 1951 (S.I. No. 15 of 1951)
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• Food Hygiene Regulations 1950 (S.I. No. 205 of 1950)
• National Health Council (Tenure of Office of Members) Order 1950 (S.I. No. 157 of 1950)
• Infectious Diseases (Amendment) Regulations 1949 (S.I. No. 351 of 1949)
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• Infectious Diseases (Temporary Provisions) Regulations 1949 (Revocation) Regulations 1949 (S.I. No. 149 of 1949)
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• Prohibition From School Attendance (Notices) Regulations 1948 (S.I. No. 371 of 1948)
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• Health Act, 1947 (Adaptation) Order 1948 (S.I. No. 101 of 1948)
• Mother and Child Health Service (Temporary) Regulations 1948 (S.I. No. 100 of 1948)
• Infectious Diseases Regulations 1948 (S.I. No. 99 of 1948)
• Health Act, 1947 (Date of Commencement) (No. 2) Order 1948 (S.I. No. 98 of 1948)
• National Health Council (Establishment) Order 1948 (S.I. No. 81 of 1948)
• Infectious Diseases (Maintenance) Regulations 1948 (S.I. No. 21 of 1948)
• Infectious Diseases (Temporary Provisions) Regulations 1948 (S.I. No. 20 of 1948)
• Health Act, 1947 (Date of Commencement) (No. 1) Order 1948 (S.I. No. 19 of 1948)
• Health Act, 1947 (Date of Commencement) Order 1947 (S.I. No. 342 of 1947)

All statutory instruments up to and including 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 revision.
Number 28 of 1947.

HEALTH ACT 1947

REVISED

Updated to 10 April 2020

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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:—

Annotations

Modifications (not altering text):

C1 Offences under Act, referred to as food legislation, provided (22.03.2010) by European Communities (Official Control of Foodstuffs) Regulations 2010 (S.I. No. 117 of 2010), regs. 23, 24.

23. (1) A person is guilty of an offence if he or she forges, or utters knowing it to be forged, a certificate of analysis or other document purporting to be issued, granted or given under these Regulations or food legislation or required for the purposes of these Regulations or food legislation (hereafter referred to as “a forged document”).

(2) A person is guilty of an offence if he or she alters with intent to defraud or deceive, or utters knowing it to be so altered, a certificate of analysis or other document issued, granted or given under these Regulations or food legislation, or required for the purposes of these Regulations or food legislation (hereafter referred to as “an altered document”).

(3) A person is guilty of an offence if he or she, without lawful authority, has in his or her possession a forged document or an altered document, knowing it to be a forged or altered document as the case may be.

(4) A person is guilty of an offence if he or she with the intent to defraud or deceive:

(a) tampers with any substance or thing with the result that a sample taken pursuant to these Regulations or food legislation does not correctly represent the substance sampled, or

(b) tampers or interferes with any sample taken under these Regulations or food legislation.

(5) A person is guilty of an offence if he or she falsely represents himself or herself to be an authorised officer.

24. (1) For the purposes of these Regulations, every contravention of a provision of these Regulations shall be deemed a separate contravention and every contravention of a paragraph or a subparagraph of such provision shall also be deemed to be a separate contravention and shall carry the same penalty as for a single contravention of any such provision.

(2) A person who is guilty of an offence under these Regulations is liable:
(a) on summary conviction to a fine not exceeding €5,000 or at the discretion of the Court to imprisonment for a term not exceeding 3 months, or both, or,

(b) on conviction on indictment, to a fine not exceeding €500,000, or imprisonment for a term not exceeding 3 years, or both.

(3) Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Authority or the official agency, as the case may be, the costs and expenses, measured by the court, incurred by the Authority or official agency in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisors engaged by the Authority or official agency.

(4) An order for costs and expenses under subsection (3) is in addition to, and not instead of, any fine or penalty the court may impose under subsection (2).


Transfer of functions from sanitary authorities.

39.— All functions assigned to sanitary authorities under any other enactment shall, in so far as they relate to the carrying out by a water services authority of functions in relation to the provision of water services, be deemed to be functions of a water services authority, and all references to a sanitary authority in those acts and related enactments are to be construed accordingly.

Transfer of functions from water service authorities to Irish Water

7. ...

(3) All functions of sanitary authorities deemed to be functions of a water services authority under section 39 of the Act of 2007 shall, on the transfer day, be transferred to Irish Water.

(4) References to a sanitary authority in any enactment or instrument under any enactment shall, on and after the transfer day, in so far as they relate to any function transferred by subsection (3), be construed as references to Irish Water.

C3 Functions under Act, referred to as an existing enactment, transferred to Consumer Protection Agency (1.05.2007, establishment day) by Consumer Protection Act 2007 (19/2007), s. 37, S.I. No. 179 of 2007.

Transfer of functions to Agency.

37.—(1) The administration and business in connection with the exercise, performance or execution of any of the functions transferred by subsection (2) are transferred to the Agency on the establishment day.

(2) The functions vested in the Director by or under the existing enactments are transferred to the Agency on the establishment day.

(3) References to the Director and the office of the Director contained in any Act (within the meaning of the Interpretation Act 2005) or instrument (including a licence or certificate granted, nomination made or consent or authorisation given thereunder) relating to any functions transferred by subsection (2) shall, on and after the establishment day, be read as references to the Agency.

(4) Anything commenced before the establishment day by or under the authority of the Director may, in so far as it relates to functions transferred by subsection (2) to the Agency, be carried on or completed on or after that day by the Agency.

C4 Functions transferred (1.01.2005, establishment day) by Health Act 2004 (42/2004), s. 59, S.I. No. 885 of 2004, subject to transitional provisions in s. 74 and sch. 5.
Transfer of functions of specified bodies to Executive.

59.—(1) The functions that, immediately before the establishment day, were the functions of a specified body under or in connection with the enactments referred to in Schedule 3 are, by this Act, transferred to the Executive on that day.

(2) If a provision of an enactment referred to in Schedule 3, or a provision of an instrument made under such enactment, does not come into effect until on or after the establishment day, a function that on the passing of that enactment or the making of that instrument was assigned under or in connection with that provision to a specified body, is, by this Act, transferred to the Executive on the commencement of that provision.

(3) The functions transferred by this Act to the Executive include the functions specified in any enactment referred to in Schedule 3 as a function of the following:

(a) the chief executive officer of a health board;
(b) the Regional Chief Executive of the Eastern Regional Health Authority;
(c) the area chief executive of an Area Health Board.

(4) This section does not apply in relation to the functions of the Hospital Bodies Administrative Bureau.

SCHEDULE

Transfer of Functions and References to Functional Areas

Section 59 and 67.
1. Health Acts 1947 to 2001

C5 Application of collectively cited Health Acts restricted (7.05.1986) by Health (Amendment) Act 1986 (10/1986), s. 2(1), commenced on enactment.

Charges by health boards for provision of in-patient services and out-patient services in respect of certain injuries caused by mechanically propelled vehicles.

2.—(1) Where—

(a) injury is caused to a person by the negligent use of a mechanically propelled vehicle in a public place, and

(b) in-patient services or out-patient services have been, are being or will be provided by or on behalf of a health board in respect of the injury, and

(c) any one of the following, that is to say, the person aforesaid, his personal representative or dependant, has received, or is entitled to receive damages or compensation in respect of the negligent use aforesaid from the person liable to pay such damages or compensation in respect of that injury, or any loss, damage or expense (or mental distress in the case of a dependant) arising therefrom,

the health board shall, notwithstanding anything in the Health Acts, 1947 to 1985, make a charge upon the person who received or is entitled to receive such damages or compensation in respect of the said in-patient services or out-patient services.

(2) (a) A health board may waive the whole or part of a charge under subsection (1) of this section if it considers it proper to do so—

(i) having had regard to the amount of damages or compensation, and interest (if any) thereon, received by the person liable to pay the charge in respect of the injury to which the charge relates, and

(ii) in a case where there was contributory negligence on the part of the person to whose injury the charge relates or of one for whose acts he is responsible, having had regard to any reduction in the amount which would have been received but for the contributory negligence.
(b) In proceedings brought by a person to whom injury is caused by the negligent use of a mechanically propelled vehicle in a public place, or by the personal representative or dependant, of such a person in respect of such negligent use as aforesaid, claiming damages in respect of that injury, or any loss, damage or expense (or mental distress in the case of a dependant) arising therefrom, paragraph (a) of this subsection shall be disregarded.

C6 Application of Act extended (1.01.1954) by Health Act 1953 (26/1953), s. 3(3), S.I. No. 377 of 1953.

Principal Act and construction of that Act and this Act.

3.—(1) In this Act “the Principal Act” means the Health Act, 1947 (No. 28 of 1947).

(2) The Principal Act and this Act shall be construed together as one Act.

(3) Without prejudice to the generality of subsection (2) of this section, a reference in the Principal Act to that Act shall, save where the context otherwise requires, be construed as including a reference to this Act.

Editorial Notes:

E1 Provision for enforcement of Act, referred to as food legislation, made (22.03.2010) by European Communities (Official Control of Foodstuffs) Regulations 2010 (S.I. No. 117 of 2010).

E2 HSE may require declaration in relation to eligibility for services under collectively cited Health Acts as provided (1.04.1971) by Health Act 1970 (1/1970), s. 48, S.I. No. 90 of 1971.

E3 Person recorded as entitled to services under collectively cited Health Acts required to notify HSE of change of circumstances as provided (1.04.1971) by Health Act 1970 (1/1970), s. 49, S.I. No. 90 of 1971.

E4 Person not entitled to services under collectively cited Health Acts may be subject to charge as provided (1.04.1971) by Health Act 1970 (1/1970), s. 50, S.I. No. 90 of 1971.

E5 Charges under collectively cited Health Acts may be recovered as simple contract debts as provided (1.04.1971) by Health Act 1970 (1/1970), s. 74, S.I. No. 90 of 1971 and by s. 74A as inserted (24.07.2013) by Health (Amendment) Act 2013 (31/2013), s. 14, commenced on enactment.

E6 Person giving false information in relation to obtaining services under collectively cited Health Acts commits an offence as provided (1.04.1971) by Health Act 1970 (1/1970), s. 75, S.I. No. 90 of 1971.

E7 Previous affecting provision: application of collectively cited Health Acts restricted (1.01.2007) by European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. No. 656 of 2006), regs. 18(2), (4), in effect as per reg. 2; revoked (1.02.2016) by European Communities (Free Movement of Persons) Regulations 2015 (S.I. No. 548 of 2015), reg. 32, in effect as per reg. 1(2).

E8 Previous affecting provision: application of collectively cited Health Acts restricted (28.04.2006) by European Communities (Free Movement of Persons) Regulations 2006 (S.I. No. 226 of 2006), regs. 18(2), (4); revoked (1.01.2007) by European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. No. 656 of 2006), reg. 27, in effect as per reg. 2.


PART I.

PRELIMINARY AND GENERAL.

Short title.

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

Definitions.

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
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.

Annotations


Editorial Notes:

E20 Power pursuant to section exercised (1.02.1951) by Health Act, 1947 (Date of Commencement) Order 1951 (S.I. No. 14 of 1951).

2. Section 4 of the Act shall come into operation on the 1st day of February, 1951, for the purpose of effecting the repeal of the enactments which are specified in the Schedule to this Order.

SCHEDULE.

<table>
<thead>
<tr>
<th>Session and Chapter or Number and Year</th>
<th>Short Title</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>41 &amp; 42 Vic., c. 52</td>
<td>Public Health (Ireland) Act, 1878.</td>
<td>Sections 132 to 136.</td>
</tr>
<tr>
<td>No. 5 of 1925</td>
<td>Local Government Act, 1925</td>
<td>Section 23.</td>
</tr>
</tbody>
</table>

E21 Power pursuant to section exercised (1.04.1948) by Health Act, 1947 (Date of Commencement) (No. 2) Order 1948 (S.I. No. 98 of 1948).

2. Section 4 of the act shall come into operation on the 1st day of April, 1948, for the purpose of effecting the repeal of the enactments which are specified in the Schedule to this Order.

3. Sections 10 to 15 inclusive, Sections 17 to 19 inclusive, Sections 21 to 24 inclusive, Section 28, Sections 30 to 43 inclusive, Sections 45 to 52 inclusive, and Part VII of the Act shall for all purposes come into operation on the 1st day of April, 1948.

SCHEDULE.

<table>
<thead>
<tr>
<th>Session and Chapter or Number and Year</th>
<th>Short Title</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 &amp; 27 Vic., c. 52</td>
<td>Vaccination (Ireland) Act, 1863.</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>31 &amp; 32 Vic., c. 87</td>
<td>Vaccination Amendment (Ireland) Act, 1868.</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>41 &amp; 42 Vic., c. 52</td>
<td>Public Health (Ireland) Act, 1878.</td>
<td>Section II, paragraph (3) of section 91, section 95, paragraph (3) of section 97, paragraph (6) of section 100, sections 137 to 156 and sections 158 and 258.</td>
</tr>
<tr>
<td>Act and Section</td>
<td>Description</td>
<td></td>
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<td>----------------</td>
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</tr>
<tr>
<td>42 &amp; 43 Vic., c. 70</td>
<td>Vaccination Amendment (Ireland) Act, The whole Act. 1879.</td>
<td></td>
</tr>
<tr>
<td>52 &amp; 53 Vic., c. 72</td>
<td>Infectious Disease (Notification) Act, The whole Act. 1889.</td>
<td></td>
</tr>
<tr>
<td>53 &amp; 54 Vic., c. 34</td>
<td>Infectious Disease (Prevention) Act, The whole Act. 1890.</td>
<td></td>
</tr>
<tr>
<td>53 &amp; 54 Vic., c. 59</td>
<td>Public Health Acts Amendment Act, Section 32. 1890.</td>
<td></td>
</tr>
<tr>
<td>59 &amp; 60 Vic., c. 54</td>
<td>Public Health (Ireland) Act, 1896. Section 18.</td>
<td></td>
</tr>
<tr>
<td>60 &amp; 61 Vic., c. 31</td>
<td>Cleansing of Persons Act, 1897. The whole Act.</td>
<td></td>
</tr>
<tr>
<td>4 Edw. VII, c. 16</td>
<td>Public Health Act, 1904. The whole Act.</td>
<td></td>
</tr>
<tr>
<td>8 Edw. VII, c. 56</td>
<td>Tuberculosis Prevention (Ireland) Act, Parts I and II; Sections 14 to 16 and 21. 1908.</td>
<td></td>
</tr>
<tr>
<td>5 &amp; 6 Geo. V, c. 64</td>
<td>Notification of Births (Extension) Act, Section 2; paragraph (b) of sub-section (2) of section 3. 1915.</td>
<td></td>
</tr>
<tr>
<td>No. 5 of 1925.</td>
<td>Local Government Act, 1925. Sections 21 &amp; 22.</td>
<td></td>
</tr>
<tr>
<td>No. 3 of 1927</td>
<td>Local Government Act, 1927. Section 3; the Second Schedule.</td>
<td></td>
</tr>
<tr>
<td>No. 23 of 1941</td>
<td>Local Government Act, 1941. Section 87.</td>
<td></td>
</tr>
</tbody>
</table>

**E22** Power pursuant to section exercised (1.03.1948) by *Health Act, 1947 (Date of Commencement) (No. 1) Order 1948* (S.I. No. 19 of 1948).

1. Section 29 and section 44 of the act shall come into operation on the first day of March, 1948.

**E23** Power pursuant to section exercised (1.03.1948) by *Health Act, 1947 (Date of Commencement) (No. 1) Order 1948* (S.I. No. 19 of 1948)

1. Section 29 and section 44 of the act shall come into operation on the first day of March, 1948.

**E24** Power pursuant to section exercised (1.03.1948) by *Health Act, 1947 (Date of Commencement) Order 1947* (S.I. No. 342 of 1947).

2. Section 4 of the act shall come into operation on the 1st day of November, 1947, for the purpose of effecting the repeal of the enactments which are specified in the Schedule to this Order.
3. Sections 1 to 3 inclusive, Sections 5 to 9 inclusive, Sections 16 and 20, Part V, Part VI, Part VIII, Part IX and Part X of the Act shall for all purposes come into operation on the 1st day of November, 1947.

SCHEDULE.

<table>
<thead>
<tr>
<th>Session and Chapter or Number and Year</th>
<th>Short Title</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 5 of 1925</td>
<td>Local Government Act, 1925</td>
<td>Sections 18 and 19</td>
</tr>
</tbody>
</table>

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.

Annotations

Modifications (not altering text):

C7 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.
5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

Schedule 1
Enactments

Part 2
1922 to 2011 Enactments

<table>
<thead>
<tr>
<th>Number and Year</th>
<th>Short Title</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 28 of 1947</td>
<td>Health Act 1947</td>
<td>Sections 5, 8, 78(1), 88, 89 and 100</td>
</tr>
</tbody>
</table>


Full eligibility.

45. — ...

(5) Section 5 (5) of the Health Act, 1947, shall not apply to regulations under this section.

Editorial Notes:


E27 Power pursuant to section exercised (20.02.2020) by Infectious Diseases (Amendment) Regulations 2020 (S.I. No. 53 of 2020).


E29 Power pursuant to section exercised (1.11.2019) by Infectious Diseases (Preventative Measures) (Hiv Prep) Regulations 2019 (S.I. No. 531 of 2019), in effect as per reg. 2.


E31 Power pursuant to section exercised (1.01.2018) by Health Services (Drug Payment Scheme) Regulations 2017 (S.I. No. 577 of 2017), in effect as per reg. 2.


E33 Power pursuant to section exercised (15.05.2017) by Food Standards (Ice-Cream) (Revocation) Regulations 2017 (S.I. No. 195 of 2017).

E34 Power pursuant to section exercised (12.10.2009) by Infectious Diseases (Aircraft) Regulations 2009 (S.I. No. 411 of 2009).
<table>
<thead>
<tr>
<th>No.</th>
<th>Power pursuant to section exercised</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>E35</td>
<td>(1.01.2009) by Infectious Diseases (Maintenance Allowance) Regulations 2009 (S.I. No. 581 of 2008), in effect as per reg. 2.</td>
<td></td>
</tr>
<tr>
<td>E36</td>
<td>(1.01.2009) by Health (In-Patient Charges) (Amendment) Regulations 2008 (S.I. No. 543 of 2008), in effect as per reg. 3.</td>
<td></td>
</tr>
<tr>
<td>E37</td>
<td>(16.01.2008) by Infectious Diseases (Shipping) Regulations 2008 (S.I. No. 4 of 2008).</td>
<td></td>
</tr>
<tr>
<td>E38</td>
<td>(27.07.2007) by Infectious Diseases (Amendment) Regulations 2007 (S.I. No. 559 of 2007).</td>
<td></td>
</tr>
<tr>
<td>E39</td>
<td>(1.01.2005) by Infectious Diseases (Amendment) Regulations 2004 (S.I. No. 865 of 2004), in effect as per reg. 2.</td>
<td></td>
</tr>
<tr>
<td>E40</td>
<td>Previous affecting provision: power pursuant to section exercised (1.01.2006) by Health (In-Patient Charges) (Amendment) Regulations 2005 (S.I. No. 762 of 2005), in effect as per reg. 3.</td>
<td></td>
</tr>
<tr>
<td>E41</td>
<td>(1.01.2004) by Infectious Diseases (Amendment) (No. 3) Regulations 2003 (S.I. No. 707 of 2003), in effect as per reg. 2.</td>
<td></td>
</tr>
<tr>
<td>E43</td>
<td>(2.05.2003) by Infectious Diseases (Amendment No. 2) Regulations 2003 (S.I. No. 180 of 2003).</td>
<td></td>
</tr>
<tr>
<td>E46</td>
<td>(1.07.2000) by Infectious Diseases (Amendment) Regulations 2000 (S.I. No. 151 of 2000), in effect as per reg. 2.</td>
<td></td>
</tr>
<tr>
<td>E54</td>
<td>(1.06.1990) by Health Services (Amendment) Regulations 1990 (S.I. No. 132 of 1990), in effect as per reg. 3.</td>
<td></td>
</tr>
<tr>
<td>E55</td>
<td>(1.05.1989) by Food Hygiene (Amendment) Regulations 1989 (S.I. No. 62 of 1989), in effect as per reg. 1(2).</td>
<td></td>
</tr>
<tr>
<td>E58</td>
<td>Power pursuant to section exercised (18.05.1987) by <em>Health (In-Patient Charges) Regulations 1987</em> (S.I. No. 116 of 1987), in effect as per reg. 2.</td>
<td></td>
</tr>
<tr>
<td>E60</td>
<td>Power pursuant to section exercised (1.07.1986) by <em>Health (Hospital In-Patient Charges) (Amendment) Regulations 1986</em> (S.I. No. 221 of 1986).</td>
<td></td>
</tr>
<tr>
<td>E61</td>
<td>Power pursuant to section exercised (1.11.1985) by <em>Infectious Diseases (Amendment) Regulations 1985</em> (S.I. No. 268 of 1985), in effect as per reg. 3.</td>
<td></td>
</tr>
<tr>
<td>E62</td>
<td>Power pursuant to section exercised (1.05.1984) by <em>Health (Vinyl Chloride in Food) Regulations 1984</em> (S.I. No. 95 of 1984), in effect as per reg. 2.</td>
<td></td>
</tr>
<tr>
<td>E63</td>
<td>Power pursuant to section exercised (1.06.1984) by <em>Health (Hospital In-Patient Charges) Regulations 1984</em> (S.I. No. 94 of 1984), in effect as per reg. 5.</td>
<td></td>
</tr>
<tr>
<td>E64</td>
<td>Power pursuant to section exercised (1.01.1984) by <em>Health Services (No. 3) Regulations 1983</em> (S.I. No. 381 of 1983), in effect as per reg. 4.</td>
<td></td>
</tr>
<tr>
<td>E65</td>
<td>Power pursuant to section exercised (1.06.1983) by <em>Health Services (No. 2) Regulations 1983</em> (S.I. No. 139 of 1983), in effect as per reg. 7.</td>
<td></td>
</tr>
<tr>
<td>E67</td>
<td>Power pursuant to section exercised (1.04.1975) by <em>Health Services (Amendment) Regulations 1975</em> (S.I. No. 64 of 1975), in effect as per reg. 2.</td>
<td></td>
</tr>
<tr>
<td>E71</td>
<td>Power pursuant to section exercised (1.09.1972) by <em>Public Health (Preservatives, Etc., in Food Regulations, 1928 and 1943) (Amendment) Regulations 1972</em> (S.I. No. 46 of 1972), in effect as per reg. 2.</td>
<td></td>
</tr>
<tr>
<td>E72</td>
<td>Power pursuant to section exercised (1.09.1972) by <em>Health (Mineral Hydrocarbons in Food) Regulations 1972</em> (S.I. No. 45 of 1972), in effect as per reg. 2.</td>
<td></td>
</tr>
<tr>
<td>E73</td>
<td>Power pursuant to section exercised (1.09.1972) by <em>Health (Arsenic and Lead in Food) Regulations 1972</em> (S.I. No. 44 of 1972), in effect as per reg. 2.</td>
<td></td>
</tr>
<tr>
<td>E74</td>
<td>Power pursuant to section exercised (1.04.1972) by <em>Health Services Regulations 1972</em> (S.I. No. 88 of 1972), in effect as per reg. 3.</td>
<td></td>
</tr>
<tr>
<td>E75</td>
<td>Power pursuant to section exercised (6.12.1971) by <em>Food Hygiene (Amendment) Regulations 1971</em> (S.I. No. 322 of 1971), in effect as per reg. 3.</td>
<td></td>
</tr>
<tr>
<td>E76</td>
<td>Power pursuant to section exercised (1.10.1971) by <em>Health Services (Amendment) Regulations 1971</em> (S.I. No. 277 of 1971), in effect as per reg. 3.</td>
<td></td>
</tr>
<tr>
<td>E77</td>
<td>Power pursuant to section exercised (1.04.1971) by <em>Health Services Regulations 1971</em> (S.I. No. 105 of 1971), in effect as per reg. 3.</td>
<td></td>
</tr>
<tr>
<td>E78</td>
<td>Power pursuant to section exercised (1.08.1965) by <em>Institutional Assistance Regulations 1965</em> (S.I. No. 177 of 1965), in effect as per reg. 2.</td>
<td></td>
</tr>
</tbody>
</table>
E79  Power pursuant to collectively cited Health Acts exercised (1.08.1954) by Institutional Assistance Regulations 1954 (S.I. No. 103 of 1954), in effect as per reg. 3.

E80  Power pursuant to collectively cited Health Acts exercised (1.08.1954) by General Institutional and Specialist Services Regulations 1954 (S.I. No. 100 of 1954), in effect as per reg. 3.

E81  Power pursuant to Act exercised (28.09.1948) by Health (Compulsory Acquisition of Land) Regulations 1948 (S.I. No. 314 of 1948).


E83  Previous affecting provision: power pursuant to section exercised (23.05.2016) by Infectious Diseases (Amendment) Regulations 2016 (S.I. No. 276 of 2016); superseded (18.12.2018) by Infectious Diseases (Amendment) Regulations 2018 (S.I. No. 567 of 2018), reg. 2(b) and sch.

E84  Previous affecting provision: power pursuant to section exercised (15.12.2015) by Infectious Diseases (Amendment) Regulations 2015 (S.I. No. 566 of 2015); superseded (23.05.2016) by Infectious Diseases (Amendment) Regulations 2016 (S.I. No. 276 of 2016), reg. 2 and sch.

E85  Previous affecting provision: power pursuant to section exercised (1.03.2013) by Health (Out-Patient Charges) Regulations 2013 (S.I. No. 45 of 2013), in effect as per reg. 1(2); revoked (30.11.2017) by Health (Out-Patient Charges) Regulations 2017 (S.I. No. 548 of 2017), reg. 4, in effect as per reg. 1(2).

E86  Previous affecting provision: power pursuant to section exercised (1.01.2012) by Health Services (Drug Payment Scheme) Regulations 2011 (S.I. No. 648 of 2011), in effect as per reg. 2; revoked (1.01.2013) by Health Services (Drug Payment Scheme) Regulations 2012 (S.I. No. 526 of 2012), reg. 3, in effect as per reg. 2.

E87  Previous affecting provision: power pursuant to section exercised (1.01.2012) by Health Services (Drug Payment Scheme) Regulations 2009 (S.I. No. 536 of 2009), in effect as per reg. 2; revoked (1.01.2013) by Health Services (Drug Payment Scheme) Regulations 2012 (S.I. No. 526 of 2012), reg. 3, in effect as per reg. 2.

E88  Previous affecting provision: power pursuant to section exercised (21.09.2011) by Infectious Diseases (Amendment) Regulations 2011 (S.I. No. 452 of 2011), in effect as per reg. 2; superseded (15.12.2015) by Infectious Diseases (Amendment) Regulations 2015 (S.I. No. 566 of 2015), reg. 2 and sch.

E89  Previous affecting provision: power pursuant to section exercised (1.01.2010) by Health Services (Drugs Payment Scheme) Regulations 2009 (S.I. No. 536 of 2009), in effect as per reg. 2; revoked (1.01.2012) by Health Services (Drug Payment Scheme) Regulations 2012 (S.I. No. 648 of 2011), reg. 3, in effect as per reg. 2.

E90  Previous affecting provision: power pursuant to section exercised (1.01.2009) by Infectious Diseases Maintenance Allowance (Increased Payment) Regulations 2008 (S.I. No. 580 of 2008); spent as per reg. 2.

E91  Previous affecting provision: power pursuant to section exercised (1.01.2009) by Health (Out-Patient Charges) (Amendment) Regulations 2008 (S.I. No. 544 of 2008), in effect as per reg. 2; rendered obsolete by revocation of Health (Out-Patient Charges) Regulations 1994 (S.I. No. 37 of 1994) (1.03.2013) by Health (Out-Patient Charges) Regulations 2013 (S.I. No. 45 of 2013), reg. 4.

E92  Previous affecting provision: power pursuant to section exercised (1.01.2009) by Health Services Regulations 2008 (S.I. No. 519 of 2008), in effect as per reg. 2; revoked (1.01.2010) by Health Services (Drugs Payment Scheme) Regulations 2009 (S.I. No. 536 of 2009), reg. 3, in effect as per reg. 2.

E93  Previous affecting provision: power pursuant to section exercised (1.01.2008) by Health Services Regulations 2007 (S.I. No. 837 of 2007), in effect as per reg. 2; revoked (1.01.2009) by Health Services Regulations 2008 (S.I. No. 519 of 2008), reg. 3, in effect as per reg. 2.
E94 Previous affecting provision: power pursuant to section exercised (1.01.2008) by Infectious Diseases (Maintenance Allowances) Regulations 2008 (S.I. No. 836 of 2007), in effect as per reg. 2; revoked (1.01.2009) by Infectious Diseases (Maintenance Allowance) Regulations 2009 (S.I. No. 581 of 2008), reg. 3, in effect as per reg. 2.

E95 Previous affecting provision: power pursuant to section exercised (1.01.2008) by Infectious Diseases (Main tenance Allo wanc es) Regulations 2008 (S.I. No. 836 of 2007), in effect as per reg. 2; revoked (1.01.2009) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2009 (S.I. No. 581 of 2008), reg. 3, in effect as per reg. 2.

E96 Previous affecting provision: power pursuant to section exercised (1.01.2008) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2008 (S.I. No. 836 of 2007), in effect as per reg. 2; revoked (1.01.2009) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2009 (S.I. No. 581 of 2008), reg. 3, in effect as per reg. 2.

E97 Previous affecting provision: power pursuant to section exercised (1.01.2007) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2007 (S.I. No. 825 of 2007), in effect as per reg. 2; revoked (1.01.2008) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2008 (S.I. No. 836 of 2007), reg. 3, in effect as per reg. 2.

E98 Previous affecting provision: power pursuant to section exercised (1.01.2007) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2007 (S.I. No. 825 of 2007), in effect as per reg. 2; revoked (1.01.2008) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2008 (S.I. No. 836 of 2007), reg. 3, in effect as per reg. 2.

E99 Previous affecting provision: power pursuant to section exercised (1.01.2007) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2007 (S.I. No. 825 of 2007), in effect as per reg. 2; revoked (1.01.2008) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2008 (S.I. No. 836 of 2007), reg. 3, in effect as per reg. 2.

E100 Previous affecting provision: power pursuant to section exercised (1.01.2006) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2006 (S.I. No. 825 of 2005), in effect as per reg. 2; revoked (1.01.2007) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2007 (S.I. No. 825 of 2007), reg. 3, in effect as per reg. 2.

E101 Previous affecting provision: power pursuant to section exercised (1.01.2006) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2006 (S.I. No. 825 of 2005), in effect as per reg. 2.

E102 Previous affecting provision: power pursuant to section exercised (1.01.2006) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2006 (S.I. No. 825 of 2005), in effect as per reg. 2; revoked (1.01.2007) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2007 (S.I. No. 825 of 2007), reg. 3, in effect as per reg. 2.

E103 Previous affecting provision: power pursuant to section exercised (1.01.2005) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2005 (S.I. No. 825 of 2005), in effect as per reg. 2; rendered obsolete by revocation of Health (Out-Patient Charges) Regulations 1994 (S.I. No. 37 of 1994) (1.03.2013) by Health (Out-Patient Charges) Regulations 2013 (S.I. No. 45 of 2013), reg. 4, in effect as per reg. 1(2).

E104 Previous affecting provision: power pursuant to section exercised (1.01.2005) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2005 (S.I. No. 825 of 2005), in effect as per reg. 2; revoked (1.01.2006) by Infectious Diseases (Main tenanc e Allo wanc es) Regulations 2006 (S.I. No. 825 of 2005), reg. 3, in effect as per reg. 2.

E105 Previous affecting provision: power pursuant to section exercised (1.01.2005) by Health Services Regulations 2005 (S.I. No. 832 of 2004), in effect as per reg. 2; revoked (1.01.2006) by Health Services Regulations 2006 (S.I. No. 826 of 2004), reg. 3, in effect as per reg. 2.

E106 Previous affecting provision: power pursuant to section exercised (1.01.2005) by Health Services Regulations 2005 (S.I. No. 826 of 2004), in effect as per reg. 2; revoked (1.01.2006) by Health Services Regulations 2006 (S.I. No. 826 of 2005), reg. 3, in effect as per reg. 2; superseded (14.06.2005) by Health (Charges For In-Patient Services) Regulations 2005 (S.I. No. 276 of 2005), reg. 2, in effect as per reg. 3.
E108 Previous affecting provision: power pursuant to section exercised (1.01.2005) by Maintenance Allowances (Increased Payment) Regulations 2004 (S.I. No. 768 of 2004); spent as per reg. 2.

E109 Previous affecting provision: power pursuant to section exercised (1.01.2004) by Infectious Diseases (Maintenance Allowances) Regulations 2004 (S.I. No. 734 of 2003), in effect as per reg. 2; revoked (1.01.2005) by Infectious Diseases (Maintenance Allowances) Regulations 2005 (S.I. No. 864 of 2004), reg. 3, in effect as per reg. 2.

E110 Previous affecting provision: power pursuant to section exercised (1.01.2004) by Health Services Regulations 2004 (S.I. No. 658 of 2003), in effect as per reg. 2; revoked (1.01.2005) by Health Services Regulations 2005 (S.I. No. 832 of 2004), reg. 3, in effect as per reg. 2.

E111 Previous affecting provision: power pursuant to section exercised (1.01.2004) by Health (In-Patient Charges) (Amendment) Regulations 2003 (S.I. No. 654 of 2003), in effect as per reg. 3; superseded (1.01.2005) by Health (In-Patient Charges) (Amendment) Regulations 2004 (S.I. No. 825 of 2004), reg. 2, in effect as per reg. 3.

E112 Previous affecting provision: power pursuant to section exercised (1.01.2004) by Health (Out-Patient Charges) (Amendment) Regulations 2003 (S.I. No. 653 of 2003), in effect as per reg. 2; superseded (1.01.2005) by Health (Out-Patient Charges) (Amendment) Regulations 2004 (S.I. No. 826 of 2004), reg. 3, in effect as per reg. 2.

E113 Previous affecting provision: power pursuant to section exercised (17.11.2003) by Maintenance Allowances (Increased Payment) Regulations 2003 (S.I. No. 617 of 2003); spent as per reg. 2.


E115 Previous affecting provision: power pursuant to section exercised (1.01.2003) by Health Services Regulations 2003 (S.I. No. 603 of 2002), in effect as per reg. 2; revoked (1.01.2004) by Health Services Regulations 2004 (S.I. No. 658 of 2003), reg. 3, in effect as per reg. 2.

E116 Previous affecting provision: power pursuant to section exercised (1.01.2003) by Health (In-Patient Charges) (Amendment) (No. 2) Regulations 2002 (S.I. No. 553 of 2002), in effect as per reg. 3; superseded (1.01.2004) by Health (In-Patient Charges) (Amendment) Regulations 2003 (S.I. No. 654 of 2003), reg. 2, in effect as per reg. 3.

E117 Previous affecting provision: power pursuant to section exercised (28.11.2002) by Maintenance Allowances (Increased Payment) Regulations 2002 (S.I. No. 547 of 2002); spent as per reg. 2.

E118 Previous affecting provision: power pursuant to section exercised (1.08.2002) by Health Services Regulations 2002 (S.I. No. 368 of 2002), in effect as per reg. 2; revoked (1.01.2003) by Health Services Regulations 2003 (S.I. No. 603 of 2002), reg. 3, in effect as per reg. 2.

E119 Previous affecting provision: power pursuant to section exercised (1.08.2002) by Health (In-Patient Charges) (Amendment) Regulations 2002 (S.I. No. 367 of 2002), in effect as per reg. 3; superseded (1.01.2003) by Health (In-Patient Charges) (Amendment) (No. 2) Regulations 2002 (S.I. No. 553 of 2002), reg. 2, in effect as per reg. 3.

E120 Previous affecting provision: power pursuant to section exercised (1.08.2002) by Health (Out-Patient Charges) (Amendment) Regulations 2002 (S.I. No. 366 of 2002), in effect as per reg. 2; superseded (1.01.2004) by Health (Out-Patient Charges) (Amendment) Regulations 2003 (S.I. No. 653 of 2003), reg. 3, in effect as per reg. 2.

E121 Previous affecting provision: power pursuant to section exercised (1.01.2002) by Infectious Diseases (Maintenance Allowances) Regulations 2002 (S.I. No. 592 of 2001), in effect as per reg. 2; revoked (1.01.2004) by Infectious Diseases (Maintenance Allowances) Regulations 2004 (S.I. No. 734 of 2003), reg. 3, in effect as per reg. 2.
| E122 | Previous affecting provision: power pursuant to section exercised (1.01.2002) by Health (Out-Patient Charges) (Amendment) Regulations 2001 (S.I. No. 583 of 2001), in effect as per reg. 2; superseded (1.08.2002) by Health (Out-Patient Charges) (Amendment) Regulations 2002 (S.I. No. 366 of 2002), reg. 3, in effect as per reg. 2. |
| E123 | Previous affecting provision: power pursuant to section exercised (1.01.2002) by Health (In-Patient Charges) (Amendment) Regulations 2001 (S.I. No. 582 of 2001), in effect as per reg. 3; superseded (1.08.2002) by Health (In-Patient Charges) (Amendment) Regulations 2002 (S.I. No. 367 of 2002), reg. 2, in effect as per reg. 3. |
| E124 | Previous affecting provision: power pursuant to section exercised (30.11.2001) by Maintenance Allowances (Increased Payment) Regulations 2001 (S.I. No. 549 of 2001); spent as per reg. 2. |
| E125 | Previous affecting provision: power pursuant to section exercised (1.04.2001) by Infectious Diseases (Maintenance Allowances) Regulations 2001 (S.I. No. 119 of 2001); revoked (1.01.2002) by Infectious Diseases (Maintenance Allowances) Regulations 2002 (S.I. No. 592 of 2001), reg. 3, in effect as per reg. 2. |
| E126 | Previous affecting provision: power pursuant to section exercised (1.03.2001) by Health Services Regulations 2001 (S.I. No. 66 of 2001), in effect as per reg. 2; revoked (1.08.2002) by Health Services Regulations 2002 (S.I. No. 368 of 2002), reg. 3, in effect as per reg. 2. |
| E127 | Previous affecting provision: power pursuant to section exercised (4.12.2000) by Maintenance Allowances (Increased Payment) Regulations 2000 (S.I. No. 394 of 2000); spent as per reg. 2. |
| E128 | Previous affecting provision: power pursuant to section exercised (3.05.2000) by Infectious Diseases (Maintenance Allowances) Regulations 2000 (S.I. No. 114 of 2000), in effect as per reg. 2; revoked (1.04.2000) by Infectious Diseases (Maintenance Allowances) Regulations 2001 (S.I. No. 119 of 2001), reg. 3, in effect as per reg. 2. |
| E129 | Previous affecting provision: power pursuant to section exercised (1.01.2000) by Health (Out-Patient Charges) (Amendment) Regulations 1999 (S.I. No. 402 of 1999), in effect as per reg. 2; superseded (1.01.2002) by Health (Out-Patient Charges) (Amendment) Regulations 2001 (S.I. No. 583 of 2001), reg. 3, in effect as per reg. 2. |
| E130 | Previous affecting provision: power pursuant to section exercised (1.01.2000) by Health (In-Patient Charges) (Amendment) Regulations 1999 (S.I. No. 401 of 1999), in effect as per reg. 3; superseded (1.01.2002) by Health (In-Patient Charges) (Amendment) Regulations 2001 (S.I. No. 582 of 2001), reg. 2, in effect as per reg. 3. |
| E131 | Previous affecting provision: power pursuant to section exercised (24.11.1999) by Maintenance Allowances (Increased Payment) Regulations 1999 (S.I. No. 369 of 1999); spent as per reg. 2. |
| E133 | Previous affecting provision: power pursuant to section exercised (2.06.1999) by Infectious Diseases (Maintenance Allowances) Regulations 1999 (S.I. No. 157 of 1999), in effect as per reg. 2; revoked (3.05.2000) by Infectious Diseases (Maintenance Allowances) Regulations 2000 (S.I. No. 114 of 2000), reg. 3, in effect as per reg. 2. |
| E134 | Previous affecting provision: power pursuant to section exercised (2.12.1998) by Infectious Diseases (Maintenance Allowances) (Increased Payment) Regulations 1998 (S.I. No. 525 of 1998); spent as per reg. 2. |
| E135 | Previous affecting provision: power pursuant to section exercised (27.05.1998) by Infectious Diseases (Maintenance Allowances) Regulations 1998 (S.I. No. 115 of 1998), in effect as per reg. 2; revoked (2.06.1999) by Infectious Diseases (Maintenance Allowances) Regulations 1999 (S.I. No. 157 of 1999), reg. 3, in effect as per reg. 2. |
E136 Previous affecting provision: power pursuant to section exercised (1.01.1998) by Health (Inpatient Charges) (Amendment) Regulations 1997 (S.I. No. 510 of 1997), in effect as per reg. 3; superseded (1.01.2000) by Health (In-Patient Charges) (Amendment) Regulations 1999 (S.I. No. 401 of 1999), reg. 2, in effect as per reg. 3.

E137 Previous affecting provision: power pursuant to section exercised (1.01.1998) by Health (Out-Patient Charges) (Amendment) Regulations 1997 (S.I. No. 509 of 1997), in effect as per reg. 2; superseded (1.01.2000) by Health (Out-Patient Charges) (Amendment) Regulations 1999 (S.I. No. 402 of 1999), reg. 3, in effect as per reg. 2.

E138 Previous affecting provision: power pursuant to section exercised (3.12.1997) by Maintenance Allowances (Increased Payment) Regulations 1997 (S.I. No. 479 of 1997); spent as per reg. 2.

E139 Previous affecting provision: power pursuant to section exercised (4.06.1997) by Infectious Diseases (Maintenance Allowances) Regulations 1997 (S.I. No. 234 of 1997), in effect as per reg. 2; revoked (27.05.1998) by Infectious Diseases (Maintenance Allowances) Regulations 1998 (S.I. No. 115 of 1998), reg. 3, in effect as per reg. 2.

E140 Previous affecting provision: power pursuant to section exercised (27.11.1996) by Maintenance Allowances (Increased Payment) Regulations 1996 (S.I. No. 346 of 1996); spent as per reg. 2.

E141 Previous affecting provision: power pursuant to section exercised (1.09.1996) by Health (Official Control of Food) Approved Laboratories Order 1996 (S.I. No. 242 of 1996), in effect as per art. 2; revoked (6.04.1998) by European Communities (Official Control of Foodstuffs) (Approved Laboratories) Order 1998 (S.I. No. 95 of 1998), art. 4(1), in effect as per art. 2.

E142 Previous affecting provision: power pursuant to section exercised (1.09.1996 and 1.11.1998) by Health (Official Control of Food) Regulations 1996 (S.I. No. 241 of 1996), in effect as per reg. 2; revoked (1.04.1998) by European Communities (Official Control of Foodstuffs) Regulations 1998 (S.I. No. 85 of 1998), reg. 30, in effect as per art. 2.

E143 Previous affecting provision: power pursuant to section exercised (5.06.1996) by Infectious Diseases (Maintenance Allowances) Regulations 1996 (S.I. No. 166 of 1996), in effect as per art. 2; revoked (4.06.1997) by Infectious Diseases (Maintenance Allowances) Regulations 1997 (S.I. No. 234 of 1997), reg. 3, in effect as per reg. 2.

E144 Previous affecting provision: power pursuant to section exercised (7.12.1995) by Health (Extraction Solvents in Foodstuffs) Regulations 1995 (S.I. No. 283 of 1995), in effect as per reg. 2; revoked (25.05.2000) by European Communities (Extraction Solvents in Foodstuffs and Food Ingredients) Regulations 2000 (S.I. No. 141 of 2000), reg. 23(1).


E146 Previous affecting provision: power pursuant to section exercised (5.06.1995) by Disabled Persons Maintenance Allowances Regulations 1995 (S.I. No. 141 of 1995), in effect as per reg. 2; revoked (5.06.1996) by Disabled Persons Maintenance Allowances Regulations 1996 (S.I. No. 165 of 1996), reg. 16(a), in effect as per reg. 2.

E147 Previous affecting provision: power pursuant to section exercised (5.06.1995) by Infectious Diseases (Maintenance Allowances) Regulations 1995 (S.I. No. 140 of 1995), in effect as per reg. 2; revoked (5.06.1996) by Infectious Diseases (Maintenance Allowances) Regulations 1996 (S.I. No. 166 of 1996), reg. 3, in effect as per art. 2.


E149 Previous affecting provision: power pursuant to section exercised (11.11.1994) by Maintenance Allowances (Increased Payment) Regulations 1994 (S.I. No. 336 of 1994); spent as per reg. 2.
| E151 | Previous affecting provision: power pursuant to section exercised (25.07.1994) by Infectious Diseases (Maintenance Allowances) Regulations 1994 (S.I. No. 236 of 1994), in effect as per reg. 2; revoked (5.06.1995) by Infectious Diseases (Maintenance Allowances) Regulations 1995 (S.I. No. 140 of 1995), reg. 3, in effect as per reg. 2. |
| E152 | Previous affecting provision: power pursuant to section exercised (11.04.1994) by Health (Emulsifiers, Stabilisers, Thickeners and Gelling Agents in Food) Regulations 1994 (S.I. No. 78 of 1994), in effect as per reg. 2; revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2. |
| E153 | Previous affecting provision: power pursuant to section exercised (1.03.1994) by Health (In-Patient Charges) (Amendment) Regulations 1994 (S.I. No. 38 of 1994), in effect as per reg. 3; superseded (1.01.1998) by Health (Inpatient Charges) (Amendment) Regulations 1997 (S.I. No. 510 of 1997), reg. 2, in effect as per reg. 3. |
| E154 | Previous affecting provision: power pursuant to section exercised (1.03.1994) by Health (Out-Patient Charges) Regulations 1994 (S.I. No. 37 of 1994); revoked (1.03.2013) by Health (Out-Patient Charges) Regulations 2013 (S.I. No. 45 of 2013), reg. 4. |
| E157 | Previous affecting provision: power pursuant to section exercised (12.11.1993) by Maintenance Allowances (Increased Payment) Regulations 1993 (S.I. No. 331 of 1993); spent as per reg. 2. |
| E160 | Previous affecting provision: power pursuant to section exercised (22.03.1993) by Medical Preparations (Prescription and Control of Supply) Regulations 1993 (S.I. No. 69 of 1993), in effect as per reg. 2; revoked (1.09.1996) by Medicinal Products (Prescription and Control of Supply) Regulations 1996 (S.I. No. 256 of 1996), reg. 3, in effect as per reg. 2. |
| E162 | Previous affecting provision: power pursuant to section exercised (12.03.1993) by Medical Preparations (Labelling & Package Leaflets) Regulations 1993 (S.I. No. 71 of 1993); revoked (30.10.2010) by Medicinal Products (Control of Placing on the Market) Regulations 2007 (S.I. No. 540 of 2007), reg. 26(2), in effect as per reg. 26(2). |
E163 Previous affecting provision: power pursuant to section exercised (12.03.1993) by Medical Preparations (Licensing, Advertisement & Sale) (Amendment) Regulations 1993 (S.I. No. 70 of 1993); revoked (19.02.1996) by Medical Preparations (Licensing and Sale) Regulations 1996 (S.I. No. 43 of 1996), reg. 15, in effect as per reg. 16.

E164 Previous affecting provision: power pursuant to section exercised (11.03.1993) by Medical Preparations (Licensing of Manufacture) Regulations, 1993 (Amendment) Regulations 1993 (S.I. No. 68 of 1993); revoked (23.07.2007) by Medicinal Products (Control of Manufacture) Regulations 2007 (S.I. No. 539 of 2007), reg. 16(1), in effect as per reg. 2.

E165 Previous affecting provision: power pursuant to subs. (5) exercised (1.03.1993) by Health (Out-Patient Charges) (Amendment) Regulations 1993 (S.I. No. 51 of 1993), in effect as per reg. 3; superseded (1.03.1994) by Health (Out-Patient Charges) Regulations 1994 (S.I. No. 37 of 1994), reg. 5.

E166 Previous affecting provision: power pursuant to section exercised (1.03.1993) by Health (In-Patient Charges) (Amendment) Regulations 1993 (S.I. No. 50 of 1993), in effect as per reg. 3; superseded (1.03.1994) by Health (In-Patient Charges) Regulations 1994 (S.I. No. 38 of 1994), reg. 2, in effect as per reg. 3.

E167 Previous affecting provision: power pursuant to section exercised (11.02.1993) by Medical Preparations (Licensing of Manufacture) Regulations 1993 (S.I. No. 40 of 1993); revoked (23.07.2007) by Medicinal Products (Control of Manufacture) Regulations 2007 (S.I. No. 539 of 2007), reg. 16(1), in effect as per reg. 2.


E169 Previous affecting provision: power pursuant to section exercised (17.11.1992) by Maintenance Allowances (Increased Payment) Regulations 1992 (S.I. No. 399 of 1992); spent as per reg. 2.


E173 Previous affecting provision: power pursuant to section exercised (22.04.1992) by Health (Solvents in Food) (Amendment) Regulations 1992 (S.I. No. 70 of 1992), in effect as per reg. 1(ii); revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.

<table>
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<th>Reference</th>
<th>Description</th>
</tr>
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<tr>
<td>E176</td>
<td>Previous affecting provision: power pursuant to section exercised (22.04.1992) by Health (Erucic Acid in Food) (Amendment) Regulations 1992 (S.I. No. 67 of 1992), in effect as per reg. 1(ii); revoked by European Communities (Certain Contaminants in Foodstuffs) Regulations 2010 (S.I. No. 218 of 2010), reg. 33(d), as inserted (23.06.2016) by European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2016 (S.I. No. 329 of 2016), reg. 3(p).</td>
</tr>
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<td>E177</td>
<td>Previous affecting provision: power pursuant to section exercised (22.04.1992) by Health (Preservatives in Food) (Amendment) Regulations 1992 (S.I. No. 66 of 1992), in effect as per reg. 1(ii); revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.</td>
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<td>E179</td>
<td>Previous affecting provision: power pursuant to section exercised (1.01.1992) by Health (In-Patient Charges) (Amendment) Regulations 1991 (S.I. No. 366 of 1991), in effect as per reg. 3; superseded (1.03.1993) by Health (In-Patient Charges) (Amendment) Regulations 1993 (S.I. No. 50 of 1993), reg. 2, in effect as per reg. 3.</td>
</tr>
<tr>
<td>E183</td>
<td>Previous affecting provision: power pursuant to section exercised (15.12.1991) by Maintenance Allowance (Increased Payment) Regulations 1991 (S.I. No. 309 of 1991); spent as per reg. 2.</td>
</tr>
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<td>E184</td>
<td>Previous affecting provision: power pursuant to section exercised (1.08.1991) by Health Services Regulations 1991 (S.I. No. 203 of 1991), in effect as per reg. 2; revoked (1.03.2001) by Health Services Regulations 2001 (S.I. No. 66 of 2001), reg. 3, in effect as per reg. 2.</td>
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E187  Previous affecting provision: power pursuant to section exercised (1.01.1991) by Health (In-Patient Charges) (Amendment) Regulations 1990 (S.I. No. 335 of 1990), in effect as per reg. 3; superseded (1.01.1992) by Health (In-Patient Charges) (Amendment) Regulations 1991 (S.I. No. 366 of 1991), reg. 2, in effect as per reg. 3.

E188  Previous affecting provision: power pursuant to section exercised (1.01.1991) by Health Services Regulations 1990 (S.I. No. 334 of 1990), in effect as per reg. 2; revoked (1.08.1991) by Health Services Regulations 1991 (S.I. No. 203 of 1991), reg. 4, in effect as per reg. 2.

E189  Previous affecting provision: power pursuant to section exercised (29.11.1990) by Maintenance Allowances (Increased Payment) Regulations 1990 (S.I. No. 284 of 1990); spent as per reg. 2.


E195  Previous affecting provision: power pursuant to section exercised (5.12.1989) by Maintenance Allowances (Increased Payment) Regulations 1989 (S.I. No. 320 of 1989); spent as per reg. 2.


E200 Previous affecting provision: power pursuant to section exercised (1.06.1989) by Health Services (Amendment) Regulations 1989 (S.I. No. 113 of 1989), in effect as per reg. 3; superseded (1.06.1990) by Health Services (Amendment) Regulations 1990 (S.I. No. 132 of 1990), in effect as per reg. 3.

E201 Previous affecting provision: power pursuant to section exercised (1.12.1988) by Maintenance Allowances (Increased Payment) Regulations 1988 (S.I. No. 316 of 1988); spent as per reg. 2.


E203 Previous affecting provision: power pursuant to section exercised (1.06.1988) by Health Services (Amendment) Regulations 1988 (S.I. No. 106 of 1988), in effect as per reg. 3; superseded (1.06.1989) by Health Services (Amendment) Regulations 1989 (S.I. No. 113 of 1989), in effect as per reg. 3.


E205 Previous affecting provision: power pursuant to section exercised (4.12.1987) by Infectious Diseases (Maintenance) (No. 2) Regulations 1987 (S.I. No. 306 of 1987); spent as per reg. 2.

E206 Previous affecting provision: power pursuant to section exercised (1.01.1988) by Health (Charges For In-Patient Services) (Amendment) Regulations 1987 (S.I. No. 300 of 1987), in effect as per reg. 2; rendered obsolete by revocation of Health (Charges For In-Patient Services) Regulations 1976 (S.I. No. 180 of 1976) (14.07.2005) by Health (Charges For In-Patient Services) Regulations 2005 (S.I. No. 276 of 2005), reg. 6, in effect as per reg. 6.

E207 Previous affecting provision: power pursuant to section exercised (4.12.1987) by Disabled Persons (Maintenance Allowances) (No. 2) Regulations 1987 (S.I. No. 305 of 1987); spent as per reg. 2.


E210 Previous affecting provision: power pursuant to section exercised (1.06.1987) by Health Services (Amendment) (No. 2) Regulations 1987 (S.I. No. 134 of 1987), in effect as per reg. 3; superseded (1.06.1988) by Health Services (Amendment) Regulations 1988 (S.I. No. 106 of 1988), in effect as per reg. 3.

E211 Previous affecting provision: power pursuant to section exercised (18.05.1987) by Health (Out-Patient Charges) Regulations 1987 (S.I. No. 115 of 1987), in effect as per reg. 3; revoked (1.03.1994) by Health (Out-Patient Charges) Regulations 1994 (S.I. No. 37 of 1994), reg. 5.

E213 Previous affecting provision: power pursuant to section exercised (1.07.1987) by Medical Preparations (Control of Sale) Regulations 1987 (S.I. No. 18 of 1987), in effect as per reg. 2; revoked (22.03.1993) by Medical Preparations (Prescription and Control of Supply) Regulations 1993 (S.I. No. 69 of 1993), reg. 3, in effect as per reg. 2.

E214 Previous affecting provision: power pursuant to section exercised (5.12.1986) by Infectious Diseases (Maintenance) (No. 2) Regulations 1986 (S.I. No. 404 of 1986); spent as per reg. 2.

E215 Previous affecting provision: power pursuant to section exercised (5.12.1986) by Disabled Persons (Maintenance Allowances) (No. 2) Regulations 1986 (S.I. No. 403 of 1986); spent as per reg. 2.

E216 Previous affecting provision: power pursuant to section exercised (17.07.1986) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1986 (S.I. No. 252 of 1986), in effect as per reg. 2; revoked (24.07.1987) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1987 (S.I. No. 196 of 1987), reg. 4, in effect as per reg. 3.

E217 Previous affecting provision: power pursuant to section exercised (17.07.1986) by Infectious Diseases (Maintenance) Regulations 1986 (S.I. No. 228 of 1986), in effect as per reg. 2; revoked (24.07.1987) by Infectious Diseases (Maintenance) Regulations 1987 (S.I. No. 197 of 1987), reg. 3, in effect as per reg. 2.

E218 Previous affecting provision: power pursuant to section exercised (1.06.1986) by Health Services (Amendment) Regulations 1986 (S.I. No. 109 of 1986), in effect as per reg. 3; superseded (1.06.1987) by Health Services (Amendment) (No. 2) Regulations 1987 (S.I. No. 134 of 1987), in effect as per reg. 3.


E220 Previous affecting provision: power pursuant to section exercised (26.11.1985) by Disabled Persons (Maintenance Allowances) (No. 2) Regulations 1985 (S.I. No. 373 of 1985); spent as per reg. 2.

E221 Previous affecting provision: power pursuant to section exercised (26.11.1985) by Infectious Diseases (Maintenance) (No. 2) Regulations 1985 (S.I. No. 372 of 1985); spent as per reg. 2.

E222 Previous affecting provision: power pursuant to section exercised (11.07.1985) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1985 (S.I. No. 190 of 1985), in effect as per reg. 2; revoked (17.07.1986) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1986 (S.I. No. 252 of 1986), reg. 4, in effect as per reg. 2.

E223 Previous affecting provision: power pursuant to section exercised (11.07.1985) by Infectious Diseases (Maintenance) Regulations 1985 (S.I. No. 189 of 1985), in effect as per reg. 2; revoked (17.07.1986) by Infectious Diseases (Maintenance) Regulations 1986 (S.I. No. 228 of 1986), reg. 3, in effect as per reg. 2.

E224 Previous affecting provision: power pursuant to section exercised (1.08.1985) by Health (Emulsifiers, Stabilisers, Thickening and Gelling Agents in Food) (Amendment) Regulations 1985 (S.I. No. 186 of 1985), in effect as per reg. 3; revoked (11.04.1994) by Health (Emulsifiers, Stabilisers, Thickening and Gelling Agents in Food) Regulations 1994 (S.I. No. 78 of 1994), reg. 10, in effect as per reg. 2.


E226 Previous affecting provision: power pursuant to section exercised (1.06.1985) by Health Services (Amendment) Regulations 1985 (S.I. No. 145 of 1985), in effect as per reg. 3; superseded (1.06.1986) by Health Services (Amendment) Regulations 1986 (S.I. No. 109 of 1986), in effect as per reg. 3.
<p>| E227 | Previous affecting provision: power pursuant to section exercised (27.11.1984) by Infectious Diseases (Maintenance) (No. 2) Regulations 1984 (S.I. No. 306 of 1984); spent as per reg. 2. |
| E228 | Previous affecting provision: power pursuant to section exercised (27.11.1984) by Disabled Persons (Maintenance Allowances) (No. 2) Regulations 1984 (S.I. No. 305 of 1984); spent as per reg. 2. |
| E229 | Previous affecting provision: power pursuant to section exercised (1.10.1984 and other dates) by Medical Preparations (Licensing, Advertisement and Sale) Regulations 1984 (S.I. No. 210 of 1984), in effect as per reg. 2(1); revoked (19.02.1996) by Medical Preparations (Licensing and Sale) Regulations 1996 (S.I. No. 43 of 1996), reg. 15, in effect as per reg 16. |
| E231 | Previous affecting provision: power pursuant to section exercised (1.06.1984) by Health Services (Amendment) Regulations 1984 (S.I. No. 123 of 1984), in effect as per reg. 3; superseded (1.06.1985) by Health Services (Amendment) Regulations 1985 (S.I. No. 145 of 1985), in effect as per reg. 3. |
| E233 | Previous affecting provision: power pursuant to section exercised (13.03.1984) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1984 (S.I. No. 71 of 1984); revoked (25.07.1990) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1990 (S.I. No. 193 of 1990), reg. 9, in effect as per reg. 3. |
| E234 | Previous affecting provision: power pursuant to section exercised (1.01.1984) by Health Services (No. 4) Regulations 1983 (S.I. No. 389 of 1983), in effect as per reg. 2; revoked (1.08.1991) by Health Services Regulations 1991 (S.I. No. 203 of 1991), reg. 4, in effect as per reg. 2. |
| E235 | Previous affecting provision: power pursuant to section exercised (2.12.1984) by Infectious Diseases (Maintenance) (No. 2) Regulations 1983 (S.I. No. 362 of 1983); spent as per reg. 2. |
| E236 | Previous affecting provision: power pursuant to section exercised (2.12.1983) by Disabled Persons (Maintenance Allowances) (No. 2) Regulations 1983 (S.I. No. 361 of 1983); spent as per reg. 2. |
| E237 | Previous affecting provision: power pursuant to section exercised (27.06.1983) by Infectious Diseases (Maintenance) Regulations 1983 (S.I. No. 155 of 1983), in effect as per reg. 4; revoked (5.07.1984) by Infectious Diseases (Maintenance) Regulations 1984 (S.I. No. 135 of 1984), reg. 3, in effect as per reg. 2. |
| E239 | Previous affecting provision: power pursuant to section exercised (1.04.1983) by Health (Antioxidant in Food) (Amendment) Regulations 1983 (S.I. No. 61 of 1983), in effect as per reg. 3; revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2. |
| E241 | Previous affecting provision: power pursuant to section exercised (1.03.1983) by Health Services Regulations 1983 (S.I. No. 54 of 1983), in effect as per reg. 2; revoked (1.08.1991) by Health Services Regulations 1991 (S.I. No. 203 of 1991), reg. 4, in effect as per reg. 2. |
| E242 | Previous affecting provision: power pursuant to section exercised (29.11.1982) by Disabled Persons (Maintenance Allowances) (No. 3) Regulations 1982 (S.I. No. 340 of 1982); spent as per reg. 2. |
| E243 | Previous affecting provision: power pursuant to section exercised (29.11.1982) by Infectious Diseases (Maintenance) (No. 3) Regulations 1982 (S.I. No. 339 of 1982); spent as per reg. 2. |
| E244 | Previous affecting provision: power pursuant to section exercised (1.09.1982) by Disabled Persons (Maintenance Allowances) (No. 2) Regulations 1982 (S.I. No. 285 of 1982); spent as per reg. 2. |
| E245 | Previous affecting provision: power pursuant to section exercised (1.09.1982) by Infectious Diseases (Maintenance) (No. 2) Regulations 1982 (S.I. No. 284 of 1982); spent as per reg. 2. |
| E246 | Previous affecting provision: power pursuant to section exercised (1.09.1982) by Health Services Regulations 1982 (S.I. No. 283 of 1982), in effect as per reg. 2; revoked (1.03.1983) by Health Services Regulations 1983 (S.I. No. 54 of 1983), reg. 3, in effect as per reg. 2. |
| E249 | Previous affecting provision: power pursuant to section exercised (1.06.1982) by Health Services (Amendment) Regulations 1982 (S.I. No. 151 of 1982), in effect as per reg. 3; revoked (1.06.1983) by Health Services (No. 2) Regulations 1983 (S.I. No. 139 of 1983), reg. 3, in effect as per reg. 7. |
| E251 | Previous affecting provision: power pursuant to section exercised (30.03.1982) by Infectious Diseases (Maintenance) Regulations 1982 (S.I. No. 76 of 1982); revoked (27.06.1983) by Infectious Diseases (Maintenance) Regulations 1983 (S.I. No. 155 of 1983), reg. 2, in effect as per reg. 4. |
| E252 | Previous affecting provision: power pursuant to section exercised (25.11.1981) by Infectious Diseases (Maintenance) (No. 3) Regulations 1981 (S.I. No. 408 of 1981); spent as per reg. 2. |</p>
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<th>Previous Affecting Provision</th>
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<td>E255</td>
<td>Previous affecting provision: power pursuant to section exercised (23.09.1981) by Infectious Diseases (Maintenance) (No. 2) Regulations 1982 (S.I. No. 342 of 1981), in effect as per reg. 2; revoked (30.03.1982) by Infectious Diseases (Maintenance) Regulations 1982 (S.I. No. 76 of 1982), reg. 2.</td>
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<td>E258</td>
<td>Previous affecting provision: power pursuant to section exercised (1.08.1981) by Health Services Regulations 1981 (S.I. No. 267 of 1981), in effect as per reg. 2; revoked (1.09.1982) by Health Services Regulations 1982 (S.I. No. 283 of 1982), reg. 3, in effect as per reg. 2.</td>
</tr>
<tr>
<td>E259</td>
<td>Previous affecting provision: power pursuant to section exercised (1.06.1981) by Health Services (Amendment) Regulations 1981 (S.I. No. 173 of 1981), in effect as per reg. 3; rendered obsolete by revocation of Health Services Regulations 1979 (S.I. No. 109 of 1979) (1.06.1983) by Health Services (No. 2) Regulations 1983 (S.I. No. 139 of 1983), reg. 6, in effect as per reg. 7.</td>
</tr>
<tr>
<td>E262</td>
<td>Previous affecting provision: power pursuant to section exercised (4.12.1980) by Infectious Diseases (Maintenance) (Amendment) Regulations 1980 (S.I. No. 368 of 1980); spent as per reg. 2.</td>
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<td>E263</td>
<td>Previous affecting provision: power pursuant to section exercised (4.12.1980) by Disabled Persons (Maintenance Allowances) (Amendment) (No. 2) Regulations 1980 (S.I. No. 367 of 1980); spent as per reg. 2.</td>
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<tr>
<td>E266</td>
<td>Previous affecting provision: power pursuant to section exercised (6.04.1980 and 1.06.1980) by Health Services (Amendment) Regulations 1980 (S.I. No. 93 of 1980); revoked (1.06.1983) by Health Services (No. 2) Regulations 1983 (S.I. No. 139 of 1983), reg. 6, in effect as per reg. 7.</td>
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E269 Previous affecting provision: power pursuant to section exercised (1.03.1980) by Health Services Regulations 1980 (S.I. No. 61 of 1980), in effect as per reg. 2; revoked (1.08.1981) by Health Services Regulations 1981 (S.I. No. 267 of 1981), reg. 10, in effect as per reg. 2.

E270 Previous affecting provision: power pursuant to section exercised (1.03.1980) by Health (Emulsifiers, Stabilisers, Thickening and Gelling Agents in Food) Regulations 1980 (S.I. No. 35 of 1980), in effect as per reg. 3; revoked (11.04.1994) by Health (Emulsifiers, Stabilisers, Thickeners and Gelling Agents in Food) Regulations 1994 (S.I. No. 78 of 1994), reg. 10, in effect as per reg. 2.

E271 Previous affecting provision: power pursuant to section exercised (11.10.1979) by Infectious Diseases (Maintenance) (No. 2) Regulations 1979 (S.I. No. 339 of 1979); revoked (11.04.1994) by Infectious Diseases (Maintenance) Regulations 1980 (S.I. No. 91 of 1980), reg. 2.


E273 Previous affecting provision: power pursuant to section exercised (6.04.1979) by Health Services (No. 2) Regulations 1979 (S.I. No. 134 of 1979); revoked (1.04.1980) by Health Services (No. 2) Regulations 1983 (S.I. No. 139 of 1983), reg. 6, in effect as per reg. 7.

E274 Previous affecting provision: power pursuant to section exercised (6.04.1979) by Health Services Regulations 1979 (S.I. No. 109 of 1979), in effect as per reg. 2; revoked (1.04.1980) by Health Services (No. 2) Regulations 1983 (S.I. No. 139 of 1983), reg. 6, in effect as per reg. 7.

E275 Previous affecting provision: power pursuant to section exercised (1.04.1979) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1979 (S.I. No. 79 of 1979); superseded (7.10.1979) by Disabled Persons (Maintenance Allowances) (Amendment) (No. 2) Regulations 1979 (S.I. No. 338 of 1979), reg. 2.

E276 Previous affecting provision: power pursuant to section exercised (20.03.1979) by Infectious Diseases (Maintenance) Regulations 1979 (S.I. No. 78 of 1979); revoked (11.10.1979) by Infectious Diseases (Maintenance) (No. 2) Regulations 1979 (S.I. No. 339 of 1979), reg. 2.

E277 Previous affecting provision: power pursuant to section exercised (28.12.1978) by Health Services Regulations 1978 (S.I. No. 371 of 1978); spent as per reg. 2.

E278 Previous affecting provision: power pursuant to section exercised (1.06.1978) by Health (Colouring Agents in Food) (Amendment) Regulations 1978 (S.I. No. 140 of 1978), in effect as per reg. 2; revoked (31.12.1995) by European Communities (General Provisions on The Control of Additives, and in Particular Colours and Sweeteners For Use in Foodstuffs) Regulations 1995 (S.I. No. 344 of 1995), reg. 23, in effect as per reg. 2.

E279 Previous affecting provision: power pursuant to section exercised (1.05.1978) by Health (Eruvic Acid in Food) Regulations 1978 (S.I. No. 123 of 1978), in effect as per reg. 2; revoked by European Communities (Certain Contaminants in Foodstuffs) Regulations 2010 (S.I. No. 218 of 2010), reg. 33(c), as inserted (23.06.2016) by European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2016 (S.I. No. 329 of 2016), reg. 3(p).

E280 Previous affecting provision: power pursuant to section exercised (3.03.1978) by Infectious Diseases (Maintenance) Regulations 1978 (S.I. No. 55 of 1978); revoked (20.03.1979) by Infectious Diseases (Maintenance) Regulations 1979 (S.I. No. 78 of 1979), reg. 2.

E282  Previous affecting provision: power pursuant to section exercised (6.10.1977) by Infectious Diseases (Maintenance) (No. 2) Regulations 1977 (S.I. No. 315 of 1977); revoked (3.03.1978) by Infectious Diseases (Maintenance) Regulations 1978 (S.I. No. 55 of 1978), reg. 2.

E283  Previous affecting provision: power pursuant to section exercised (1.10.1977) by Disabled Persons (Maintenance Allowances) (Amendment) (No. 2) Regulations 1977 (S.I. No. 314 of 1977); superseded (1.04.1978) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1978 (S.I. No. 54 of 1978), reg. 2.

E284  Previous affecting provision: power pursuant to section exercised (21.03.1977) by Infectious Diseases (Maintenance) Regulations 1977 (S.I. No. 80 of 1977); revoked (6.10.1977) by Infectious Diseases (Maintenance) (No. 2) Regulations 1977 (S.I. No. 315 of 1977), reg. 2.


E290  Previous affecting provision: power pursuant to section exercised (1.07.1976) by Health Services (Amendment) Regulations 1976 (S.I. No. 142 of 1976); revoked (6.04.1979) by Health Services Regulations 1979 (S.I. No. 109 of 1979), reg. 5, in effect as per reg. 6.

E291  Previous affecting provision: power pursuant to section exercised (1.05.1976) by Health Services Regulations 1976 (S.I. No. 97 of 1976), in effect as per reg. 2; revoked (1.03.1980) by Health Services Regulations 1980 (S.I. No. 61 of 1980), reg. 3, in effect as per reg. 2.

E292  Previous affecting provision: power pursuant to section exercised (1.05.1976) by Medical Preparations (Control of Sale) (Amendment) Regulations 1976 (S.I. No. 82 of 1976), in effect as per reg. 3; rendered obsolete by revocation of Medical Preparations (Control of Sale) Regulations 1966 (S.I. No. 261 of 1966) (1.07.1987) by Medical Preparations (Control of Sale) Regulations 1987 (S.I. No. 18 of 1987), reg. 3, in effect as per reg. 2.

E293  Previous affecting provision: power pursuant to section exercised (1.04.1976) by Infectious Diseases (Maintenance) Regulations 1976 (S.I. No. 68 of 1976), in effect as per reg. 2; revoked (16.11.1976) by Infectious Diseases (Maintenance) (No. 2) Regulations 1976 (S.I. No. 261 of 1976), reg. 2.


E297 Previous affecting provision: power pursuant to section exercised (1.10.1975) by Infectious Diseases (Maintenance) (Amendment) Regulations 1975 (S.I. No. 220 of 1975), in effect as per reg. 2; rendered obsolete by revocation of Infectious Diseases (Maintenance) Regulations 1975 (S.I. No. 40 of 1975) (1.04.1976) by Infectious Diseases (Maintenance) Regulations 1976 (S.I. No. 68 of 1976), reg. 3, in effect as per reg. 3.


E299 Previous affecting provision: power pursuant to section exercised (29.09.1975) by Disabled Persons (Maintenance Allowances) (Amendment) (No. 2) Regulations 1975 (S.I. No. 221 of 1975); superseded (22.03.1976) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1976 (S.I. No. 67 of 1976), reg. 3.

E300 Previous affecting provision: power pursuant to section exercised (5.08.1975) by Health Services Regulations, 1972 (Amendment) Regulations 1975 (S.I. No. 181 of 1975); revoked (1.04.2019) by Health Services (Amendment ) Regulations 2019 (S.I. No. 59 of 2019), reg. 5, in effect as per reg. 2.

E301 Previous affecting provision: power pursuant to section exercised (1.04.1975) by Infectious Diseases (Maintenance) Regulations 1975 (S.I. No. 40 of 1975), in effect as per reg. 2; revoked (1.04.1976) by Infectious Diseases (Maintenance) Regulations 1976 (S.I. No. 68 of 1976), reg. 3, in effect as per reg. 2.

E302 Previous affecting provision: power pursuant to section exercised (1.04.1975) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1975 (S.I. No. 39 of 1975), in effect as per reg. 2; superseded (1.10.1975) by Disabled Persons (Maintenance Allowances) (Amendment) (No. 2) Regulations 1975 (S.I. No. 221 of 1975), reg. 3, in effect as per reg. 2.

E303 Previous affecting provision: power pursuant to section exercised (1.07.1974) by Infectious Diseases (Maintenance) Regulations 1974 (S.I. No. 186 of 1974), in effect as per reg. 2; superseded (1.04.1975) by Infectious Diseases (Maintenance) Regulations 1975 (S.I. No. 40 of 1975), reg. 3, in effect as per reg. 2.

E304 Previous affecting provision: power pursuant to section exercised (1.07.1974) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1974 (S.I. No. 185 of 1974), in effect as per reg. 2; superseded (1.04.1975) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1975 (S.I. No. 39 of 1975), reg. 3, in effect as per reg. 2.


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<td>E308</td>
<td>Previous affecting provision: power pursuant to section exercised (1.04.1974) by Health Services Regulations 1974 (S.I. No. 90 of 1974), in effect as per reg. 5; revoked (6.04.1979) by Health Services Regulations 1979 (S.I. No. 109 of 1979), reg. 5, in effect as per reg. 6.</td>
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<td>E309</td>
<td>Previous affecting provision: power pursuant to section exercised (1.07.1973) by Infectious Diseases (Maintenance) Regulations 1973 (S.I. No. 161 of 1973), in effect as per reg. 2; revoked (6.04.1979) by Infectious Diseases (Maintenance) Regulations 1974 (S.I. No. 186 of 1974), reg. 3, in effect as per reg. 2.</td>
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<td>E314</td>
<td>Previous affecting provision: power pursuant to section exercised (1.08.1972) by Infectious Diseases (Maintenance) Regulations 1972 (S.I. No. 169 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Infectious Diseases (Maintenance) Regulations 1973 (S.I. No. 161 of 1973), reg. 3, in effect as per reg. 2.</td>
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<td>E316</td>
<td>Previous affecting provision: power pursuant to section exercised (1.09.1972) by Health (Preservatives in Food) Regulations 1972 (S.I. No. 43 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Health (Preservatives in Food) Regulations 1973 (S.I. No. 147 of 1973), reg. 3(1), in effect as per reg. 2.</td>
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<td>E317</td>
<td>Previous affecting provision: power pursuant to section exercised (1.09.1972) by Health (Antioxidant in Food) Regulations 1972 (S.I. No. 42 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Health (Antioxidant in Food) Regulations 1973 (S.I. No. 148 of 1973), reg. 3(1), in effect as per reg. 2.</td>
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<td>E318</td>
<td>Previous affecting provision: power pursuant to section exercised (1.09.1972) by Health (Colouring Matter in Food) Regulations 1972 (S.I. No. 41 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Health (Colouring Agents in Food) Regulations 1973 (S.I. No. 149 of 1973), reg. 3(1), in effect as per reg. 2.</td>
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<td>E319</td>
<td>Previous affecting provision: power pursuant to section exercised (23.09.1971) by Medical Preparations (Control of Sale) (Amendment) Regulations 1971 (S.I. No. 272 of 1971); revoked (1.07.1987) by Medical Preparations (Control of Sale) Regulations 1987 (S.I. No. 18 of 1987), reg. 3, in effect as per reg. 2.</td>
</tr>
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<td>E320</td>
<td>Previous affecting provision: power pursuant to section exercised (1.07.1971) by Infectious Diseases (Maintenance) Regulations 1971 (S.I. No. 208 of 1971); revoked (1.08.1972) by Infectious Diseases (Maintenance) Regulations 1972 (S.I. No. 169 of 1972), reg. 3, in effect as per reg. 2.</td>
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E325 Previous affecting provision: power pursuant to section exercised (19.06.1970) by Medical Preparations (Control of Amphetamine) (Amendment) Regulations 1970 (S.I. No. 137 of 1970), in effect as per reg. 2; revoked (1.08.1971) by Infectious Diseases (Maintenance) Regulations 1971 (S.I. No. 208 of 1971), reg. 3, in effect as per reg. 2.


E327 Previous affecting provision: power pursuant to section exercised (23.03.1970) by Health (Cyclamate in Food) Regulations 1970 (S.I. No. 49 of 1970), in effect as per reg. 2; revoked (31.12.1995) by European Communities (General Provisions on The Control of Additives, and in Particular Colours and Sweeteners For Use in Foodstuffs) Regulations 1995 (S.I. No. 344 of 1995), reg. 23, in effect as per reg. 2.


E329 Previous affecting provision: power pursuant to section exercised (10.12.1969) by Medical Preparations (Control of Amphetamine) Regulations 1969 (S.I. No. 244 of 1969), in effect as per reg. 3(1); revoked (1.04.2007) by Medicinal Products (Revocation of the Medical Preparations (Control of Amphetamine) Regulations 1969) Regulations 2007 (S.I. No. 99 of 2007), reg. 2, in effect as per reg. 2.

E330 Previous affecting provision: power pursuant to section exercised (1.08.1969) by Infectious Diseases (Maintenance) Regulations 1969 (S.I. No. 143 of 1969), in effect as per reg. 2; revoked (1.08.1970) by Infectious Diseases (Maintenance) Regulations 1970 (S.I. No. 168 of 1970), reg. 3, in effect as per reg. 2.


E333 Previous affecting provision: power pursuant to section exercised (1.08.1968) by Infectious Diseases (Maintenance) Regulations 1968 (S.I. No. 154 of 1968), in effect as per reg. 2; revoked (1.08.1969) by Infectious Diseases (Maintenance) Regulations 1969 (S.I. No. 143 of 1969), reg. 3, in effect as per reg. 2.

E334 Previous affecting provision: power pursuant to section exercised (22.05.1968) by Infectious Diseases (Amendment) Regulations 1968 (S.I. No. 114 of 1968); revoked (1.12.1981) by Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981), reg. 4, in effect as per reg. 3.

E335 Previous affecting provision: power pursuant to section exercised (8.03.1967) by Infectious Diseases (Amendment) Regulations 1967 (S.I. No. 189 of 1967), in effect as per reg. 2; revoked (22.05.1968) by Infectious Diseases (Maintenance) Regulations 1968 (S.I. No. 154 of 1968), reg. 3, in effect as per reg. 2.

E336 Previous affecting provision: power pursuant to section exercised (1.11.1966) by Infectious Diseases (Amendment) Regulations 1966 (S.I. No. 244 of 1966), in effect as per reg. 2; revoked (23.05.1966) by Infectious Diseases (Amendment) Regulations 1966 (S.I. No. 243 of 1966), reg. 3, in effect as per reg. 3.

E337 Previous affecting provision: power pursuant to section exercised (30.11.1966) by Medical Preparations (Control of Sale) Regulations 1966 (S.I. No. 261 of 1966), in effect as per reg. 2; revoked (1.07.1987) by Medical Preparations (Control of Sale) Regulations 1987 (S.I. No. 18 of 1987), reg. 3, in effect as per reg. 2.

E338 Previous affecting provision: power pursuant to section exercised (1.08.1967) by Maternity and Child Health Services (Amendment) Regulations 1966 (S.I. No. 244 of 1966), in effect as per reg. 2; revoked (1.07.1973) by Maternity and Child Health Services (Amendment) Regulations 1973 (S.I. No. 160 of 1973), reg. 7, in effect as per reg. 2.


E340 Previous affecting provision: power pursuant to section exercised (1.11.1966) by Maternity and Child Health Services (Amendment) Regulations 1966 (S.I. No. 244 of 1966), in effect as per reg. 2; revoked (1.08.1967) by Maternity and Child Health Services (Amendment) Regulations 1966 (S.I. No. 189 of 1967), reg. 3, in effect as per reg. 2.

E341 Previous affecting provision: power pursuant to section exercised (1.04.1966) by Maternity and Child Health Services (Amendment) Regulations 1966 (S.I. No. 70 of 1966), in effect as per reg. 2; revoked (23.05.1966) by Health Services Regulations 1971 (S.I. No. 105 of 1966), reg. 4.
| E344 | Previous affecting provision: power pursuant to section exercised (1.04.1966) by General Institutional and Specialist Services (Amendment) Regulations 1966 (S.I. No. 69 of 1966), in effect as per reg. 2; revoked (1.04.1971) by Health Services Regulations 1971 (S.I. No. 105 of 1971), reg. 4 and sch.; in effect as per reg. 3. |
| E345 | Previous affecting provision: power pursuant to section exercised (1.08.1965) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1965 (S.I. No. 176 of 1965), in effect as per reg. 2; revoked (1.11.1966) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1966 (S.I. No. 244 of 1966), reg. 3, in effect as per reg. 2. |
| E346 | Previous affecting provision: power pursuant to section exercised (1.08.1965) by Infectious Diseases (Maintenance) Regulations 1965 (S.I. No. 175 of 1965), in effect as per reg. 2; revoked (1.08.1967) by Infectious Diseases (Maintenance) Regulations 1967 (S.I. No. 189 of 1967), reg. 3, in effect as per reg. 2. |
| E347 | Previous affecting provision: power pursuant to section exercised (1.08.1964) by Infectious Diseases (Maintenance) Regulations 1964 (S.I. No. 193 of 1964), in effect as per reg. 2; revoked (1.08.1965) by Infectious Diseases (Maintenance) Regulations 1965 (S.I. No. 176 of 1965), reg. 3, in effect as per reg. 2. |
| E348 | Previous affecting provision: power pursuant to section exercised (1.08.1964) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1964 (S.I. No. 192 of 1964), in effect as per reg. 2; revoked (1.08.1965) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1965 (S.I. No. 176 of 1965), reg. 3, in effect as per reg. 2. |
| E349 | Previous affecting provision: power pursuant to section exercised (1.07.1964) by Maternity and Child Health Services (Amendment) Regulations 1964 (S.I. No. 158 of 1964), in effect as per reg. 3; revoked (1.04.1971) by Health Services Regulations 1971 (S.I. No. 105 of 1971), reg. 4 and sch.; in effect as per reg. 3. |
| E350 | Previous affecting provision: power pursuant to section exercised (1.11.1963) by Infectious Diseases (Maintenance) Regulations 1963 (S.I. No. 200 of 1963), in effect as per reg. 2; revoked (1.08.1964) by Infectious Diseases (Maintenance) Regulations 1964 (S.I. No. 193 of 1964), reg. 3, in effect as per reg. 2. |
| E351 | Previous affecting provision: power pursuant to section exercised (1.08.1963) by Disabled Persons (Maintenance Allowances) Regulations 1963 (S.I. No. 142 of 1963), in effect as per reg. 2; revoked (1.07.1973) by Disabled Persons (Maintenance Allowances) Regulations 1973 (S.I. No. 160 of 1973), reg. 7, in effect as per reg. 2. |
| E352 | Previous affecting provision: power pursuant to section exercised (1.08.1963) by Disabled Persons (Rehabilitation) Regulations 1963 (S.I. No. 141 of 1963), in effect as per reg. 3; revoked (5.07.1973) by Disabled Persons (Rehabilitation) Regulations 1973 (S.I. No. 186 of 1973), reg. 8, in effect as per reg. 2. |
| E353 | Previous affecting provision: power pursuant to section exercised (27.05.1963) by Medical Preparations (Control of Sale) Regulations 1963 (S.I. No. 82 of 1963), in effect as per reg. 3; revoked (2.01.1967) by Medical Preparations (Control of Sale) Regulations 1966 (S.I. No. 261 of 1966), reg. 10, in effect as per reg. 3. |
| E354 | Previous affecting provision: power pursuant to section exercised (27.11.1962) by Medical Preparations (Control of Sale) (Temporary) Regulations 1962 (S.I. No. 199 of 1962), in effect as per reg. 3; ceased (27.05.1963) as per reg. 3. |
| E355 | Previous affecting provision: power pursuant to section exercised (1.08.1962) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1962 (S.I. No. 133 of 1962), in effect as per reg. 2; revoked (1.08.1963) by Disabled Persons (Maintenance Allowances) Regulations 1963 (S.I. No. 142 of 1963), reg. 8, in effect as per reg. 2. |
| E356 | Previous affecting provision: power pursuant to section exercised (1.08.1962) by Infectious Diseases (Maintenance) Regulations 1962 (S.I. No. 132 of 1962), in effect as per reg. 2; revoked (1.11.1963) by Infectious Diseases (Maintenance) Regulations 1963 (S.I. No. 200 of 1963), reg. 3, in effect as per reg. 2. |
E357 Previous affecting provision: power pursuant to section exercised (1.01.1961) by Disabled Persons (Maintenance Allowances) Regulations 1960 (S.I. No. 261 of 1960), in effect as per reg. 2; revoked (1.08.1963) by Disabled Persons (Maintenance Allowances) Regulations 1963 (S.I. No. 142 of 1963), reg. 8, in effect as per reg. 2.

E358 Previous affecting provision: power pursuant to section exercised (29.12.1958) by General Institutional and Specialist Services (Amendment) Regulations 1958 (S.I. No. 266 of 1958), in effect as per reg. 2; revoked (1.04.1971) by Health Services Regulations 1971 (S.I. No. 105 of 1971), reg. 4 and sch., in effect as per reg. 3.

E359 Previous affecting provision: power pursuant to section exercised (29.12.1958) by Maternity and Child Health Services (Amendment) Regulations 1958 (S.I. No. 265 of 1958), in effect as per reg. 2; revoked (1.07.1964) by Maternity and Child Health Services (Amendment) Regulations 1964 (S.I. No. 158 of 1964), reg. 4, in effect as per reg. 3.

E360 Previous affecting provision: power pursuant to section exercised (1.07.1958 and 1.07.1959) by Medical Preparations (Advertisement and Sale) Regulations 1958 (S.I. No. 135 of 1958), in effect as per reg. 3(1), (2); revoked (23.07.2007) by Medicinal Products (Control of Advertising) Regulations 2007 (S.I. No. 541 of 2007), reg. 3, in effect as per reg. 2.

E361 Previous affecting provision: power pursuant to section exercised (15.03.1957) by Disabled Persons (Maintenance Allowances) (Amendment) Regulations 1957 (S.I. No. 51 of 1957); revoked (1.01.1961) by Disabled Persons (Maintenance Allowances) Regulations 1960 (S.I. No. 261 of 1960), reg. 8, in effect as per reg. 2.

E362 Previous affecting provision: power pursuant to section exercised (16.07.1956) by Medical Preparations (Oral Diabetic Treatments) Regulations 1956 (S.I. No. 203 of 1956); revoked (2.01.1967) by Disabled Persons (Maintenance Allowances) Regulations 1960 (S.I. No. 261 of 1966), reg. 10, in effect as per reg. 3.

E363 Previous affecting provision: power pursuant to section exercised (15.06.1956) by Maternity and Child Health Services (Amendment) (No. 2) Regulations 1956 (S.I. No. 142 of 1956), in effect as per reg. 2; revoked (1.07.1964) by Maternity and Child Health Services (Amendment) Regulations 1964 (S.I. No. 158 of 1964), reg. 4, in effect as per reg. 3.

E364 Previous affecting provision: power pursuant to section exercised (31.03.1956) by Maternity and Child Health Services (Amendment) Regulations 1956 (S.I. No. 44 of 1956), in effect as per reg. 2; revoked (1.07.1964) by Maternity and Child Health Services (Amendment) Regulations 1964 (S.I. No. 158 of 1964), reg. 4, in effect as per reg. 3.

E365 Previous affecting provision: power pursuant to section exercised (31.03.1956) by General Institutional and Specialist Services (Amendment) Regulations 1956 (S.I. No. 43 of 1956), in effect as per reg. 2; revoked (1.04.1971) by Health Services Regulations 1971 (S.I. No. 105 of 1971), reg. 4 and sch., in effect as per reg. 3.

E366 Previous affecting provision: power pursuant to section exercised (24.03.1955) by General Medical Services (Amendment) Regulations 1955 (S.I. No. 49 of 1955), in effect as per reg. 2; revoked (1.04.1972) by Health Services Regulations 1972 (S.I. No. 88 of 1972), reg. 4 and sch., in effect as per reg. 3.

E367 Previous affecting provision: power pursuant to section exercised (24.03.1955) by Maternity and Child Health Services (Amendment) Regulations 1955 (S.I. No. 48 of 1955); revoked (1.07.1964) by Maternity and Child Health Services (Amendment) Regulations 1964 (S.I. No. 158 of 1964), reg. 4, in effect as per reg. 3.

E368 Previous affecting provision: power pursuant to section exercised (24.03.1955) by General Institutional and Specialist Services (Amendment) Regulations 1955 (S.I. No. 47 of 1955); revoked (1.04.1971) by Health Services Regulations 1971 (S.I. No. 105 of 1971), reg. 4 and sch., in effect as per reg. 3.

E369 Previous affecting provision: power pursuant to section exercised (30.09.1954) by Disabled Persons (Maintenance Allowances) Regulations 1954 (S.I. No. 207 of 1954); revoked (1.01.1961) by Disabled Persons (Maintenance Allowances) Regulations 1960 (S.I. No. 261 of 1960), reg. 8, in effect as per reg. 2.
| E370 | Previous affecting provision: power pursuant to collectively cited Health Acts exercised (1.08.1954) by Maternity and Child Health Services (Amendment) Regulations 1954 (S.I. No. 158 of 1954), in effect as per reg. 2; revoked (1.04.1971) by Health Services Regulations 1971 (S.I. No. 105 of 1971) reg. 4 and sch., in effect as per reg. 3. |
| E371 | Previous affecting provision: power pursuant to collectively cited Health Acts exercised (1.08.1954) by Maternity and Child Health Services Regulations 1954 (S.I. No. 98 of 1954), in effect as per reg. 3; revoked (1.04.1971) by Health Services Regulations 1971 (S.I. No. 105 of 1971), reg. 4 and sch., in effect as per reg. 3. |
| E372 | Previous affecting provision: power pursuant to section exercised (15.05.1954) by Milk For Mothers and Children Regulations 1954 (S.I. No. 97 of 1954); revoked (1.04.1971) by Health Services Regulations 1971 (S.I. No. 105 of 1971), reg. 4 and sch., in effect as per reg. 3. |
| E373 | Previous affecting provision: power pursuant to section exercised (23.02.1954) by Medical Preparations (Barbiturates) Regulations 1954 (S.I. No. 30 of 1954); revoked (2.01.1967) by Medical Preparations (Control of Sale) Regulations 1966 (S.I. No. 261 of 1966), reg. 10, in effect as per reg. 3. |
| E375 | Previous affecting provision: power pursuant to section exercised (18.11.1952) by Medical Preparations (Cortisone and A.C.T.H.) Regulations 1952 (S.I. No. 324 of 1952); revoked (2.01.1967) by Medical Preparations (Control of Sale) Regulations 1966 (S.I. No. 261 of 1966), reg. 10, in effect as per reg. 3. |
| E377 | Previous affecting provision: power pursuant to section exercised (1.08.1952) by Food Standards (Ice-Cream) Regulations 1952 (S.I. No. 227 of 1952), in effect as per reg. 3; revoked (15.05.2017) by Food Standards (Ice-Cream) (Revocation) Regulations 2017 (S.I. No. 195 of 2017), reg. 2. |
| E380 | Power pursuant to Act exercised (1.11.1948) by Prohibition From School Attendance (Notices) Regulations 1948 (S.I. No. 371 of 1948). |
| E381 | Previous affecting provision: power pursuant to Act exercised (9.10.1948) by Infectious Diseases (Amendment) Regulations 1948 (S.I. No. 353 of 1948); revoked (22.05.1968) by Infectious Diseases (Amendment) Regulations 1968 (S.I. No. 114 of 1968), reg. 5(1). |
| E382 | Previous affecting provision: power pursuant to Act exercised (1.07.1948) by Infectious Diseases (Shipping) Regulations 1948 (S.I. No. 170 of 1948), in effect as per reg. 3; revoked (16.01.2008) by Infectious Diseases (Shipping) Regulations 2008 (S.I. No. 4 of 2008), reg. 32. |
| E383 | Previous affecting provision: power pursuant to Act exercised (1.05.1948) by Infectious Diseases (Aircraft) Regulations 1948 (S.I. No. 136 of 1948), in effect as per reg. 3; revoked (12.10.2009) by Infectious Diseases (Aircraft) Regulations 2009 (S.I. No. 411 of 2009), reg. 26. |
Continuation of existing regulations.

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.

Revocation or amendment of order made by the Minister under this Act.

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.

Annotations

Editorial Notes:


E386 Power pursuant to section exercised (10.04.2000) by National Ambulance Advisory Council (Revocation) Order 2000 (S.I. No. 108 of 2000), in effect as per art. 1(2), subject to transitional provision in art. 2(2).

E387 Power pursuant to section exercised (29.12.1958) by Waterford Board of Public Assistance (Health Functions) Order 1958 (S.I. No. 270 of 1958), in effect as per art. 3.

E388 Power pursuant to section exercised (29.12.1958) by South Cork Board of Public Assistance (Health Functions) Order 1958 (S.I. No. 269 of 1958), in effect as per art. 3.

E389 Power pursuant to section exercised (29.12.1958) by Dublin Public Assistance Authorities (Health Functions) Order 1958 (S.I. No. 268 of 1958), in effect as per art. 3.

E390 Power pursuant to section exercised (31.03.1956) by Waterford Board of Public Assistance (Health Functions) Order 1956 (S.I. No. 74 of 1956), in effect as per art. 3.

E391 Power pursuant to section exercised (31.03.1956) by South Cork Board of Public Assistance (Health Functions) Order 1956 (S.I. No. 73 of 1956), in effect as per art. 3.

E392 Power pursuant to section exercised (31.03.1956) by Dublin Public Assistance Authorities (Health Functions) Order 1956 (S.I. No. 72 of 1956), in effect as per art. 3.

Collection and disposal of moneys payable to the Minister.

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.

Annotations

Modifications (not altering text):

C9 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by Finance (Transfer of Departmental Administration and Ministerial
(S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1
Enactments

Part 2
1922 to 2011 Enactments

<table>
<thead>
<tr>
<th>Number and Year</th>
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<td>No. 28 of 1947</td>
<td>Health Act 1947</td>
<td>Sections 5, 8, 78(1), 88, 89 and 100</td>
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Expenses of 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.—F3[...]

Annotations

Amendments:

Discontinuance of health institution. 11.—F4[…]

Annotations

Amendments:

Agreement for use of institution. 12.—F5[…]

Annotations

Amendments:
F5 Repealed (1.08.1954) by Health Act 1953 (26/1953), s. 5 and sch., S.I. No. 62 of 1954.

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Annotations

Amendments:
F6 Repealed (1.08.1954) by Health Act 1953 (26/1953), s. 5 and sch., S.I. No. 62 of 1954.

Transfer of district institution. 14.—F7[…]

Annotations

Amendments:
F7 Repealed (1.08.1954) by Health Act 1953 (26/1953), s. 5 and sch., S.I. No. 62 of 1954.

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Transfer of the Hospital of Saint Margaret of Cortona to the Dublin Corporation.

16.—F9[...]

Charges for institutional services.

17.—F10[...]

Management of health institutions.

18.—F11[...]
Amendment of subsection (2) of section 6 of Tuberculosis (Establishment of Sanatoria) Act, 1945.

19.—F12[...]

Annotations

Amendments:


Power to provide land for an institution.

20.—F13[...]

Annotations

Amendments:


PART III.

MOTHER AND CHILD SERVICE.

Safeguarding of health of women as respects motherhood.

21.—F14[...]

Annotations

Amendments:

F14 Repealed (1.08.1954) by Health Act 1953 (26/1953), s. 5 and sch., S.I. No. 62 of 1954.

Attendance to health of children not pupils of schools.

22.—F15[...]

Annotations

Amendments:

F15 Repealed (1.08.1954) by Health Act 1953 (26/1953), s. 5 and sch., S.I. No. 62 of 1954.
23. — F16[...]

Annotations

Amendments:

F16 Repealed (1.08.1954) by Health Act 1953 (26/1953), s. 5 and sch., S.I. No. 62 of 1954.

24. — F17[...]

Annotations

Amendments:

F17 Repealed (1.08.1954) by Health Act 1953 (26/1953), s. 5 and sch., S.I. No. 62 of 1954.

25. — F18[...]

Annotations

Amendments:

F18 Repealed (1.01.1954) by Health Act 1953 (26/1953), s. 5 and sch., S.I. No. 377 of 1953.

26. — F19[...]

Annotations

Amendments:

F19 Repealed (1.01.1954) by Health Act 1953 (26/1953), s. 5 and sch., S.I. No. 377 of 1953.

27. — An amount not exceeding one-half of the expenses certified by the Minister to have been properly incurred in accordance with regulations made under section 28 of this Act, by a health authority in the execution of this Part of this Act shall be paid to the health authority out of moneys provided by the Oireachtas.
PART IV.

INFECTIOUS DISEASE AND INFESTATION.

CHAPTER I.

Infectious Disease.
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.

Annotations

Editorial Notes:

E398 Power pursuant to section exercised (20.02.2020) by Infectious Diseases (Amendment) Regulations 2020 (S.I. No. 53 of 2020).


E401 Power pursuant to section exercised (16.01.2008) by Infectious Diseases (Shipping) Regulations 2008 (S.I. No. 4 of 2008).

E402 Power pursuant to section exercised (27.07.2007) by Infectious Diseases (Amendment) Regulations 2007 (S.I. No. 559 of 2007).

E403 Power pursuant to section exercised (1.01.2005) by Infectious Diseases (Amendment) Regulations 2004 (S.I. No. 865 of 2004), in effect as per reg. 2.

E404 Power pursuant to section exercised (1.01.2004) by Infectious Diseases (Amendment) (No. 3) Regulations 2003 (S.I. No. 707 of 2003), in effect as per reg. 2.

E405 Power pursuant to section exercised (2.05.2003) by Infectious Diseases (Amendment No. 2) Regulations 2003 (S.I. No. 180 of 2003).


E407 Power pursuant to section exercised (1.07.2000) by Infectious Diseases (Amendment) Regulations 2000 (S.I. No. 151 of 2000), in effect as per reg. 2.


E410 Power pursuant to section exercised (1.11.1985) by Infectious Diseases (Amendment) Regulations 1985 (S.I. No. 268 of 1985), in effect as per reg. 3.


E413 Power pursuant to Act exercised (23.05.1949) by Infectious Diseases (Temporary Provisions) Regulations 1949 (Revocation) Regulations 1949 (S.I. No. 149 of 1949).

E414 Previous affecting provision: power pursuant to section exercised (23.05.2016) by Infectious Diseases (Amendment) Regulations 2016 (S.I. No. 276 of 2016); superseded (18.12.2018) by Infectious Diseases (Amendment) Regulations 2018 (S.I. No. 567 of 2018), reg. 2(b) and sch.
E415  Previous affecting provision: power pursuant to section exercised (15.12.2015) by Infectious Diseases (Amendment) Regulations 2015 (S.I. No. 566 of 2015); superseded (23.05.2016) by Infectious Diseases (Amendment) Regulations 2016 (S.I. No. 276 of 2016), reg. 2 and sch.

E416  Previous affecting provision: power pursuant to section exercised (21.09.2011) by Infectious Diseases (Amendment) Regulations 2011 (S.I. No. 452 of 2011), in effect as per reg. 2; superseded (15.12.2015) by Infectious Diseases (Amendment) Regulations 2015 (S.I. No. 566 of 2015), reg. 2 and sch.


E419  Previous affecting provision: power pursuant to section exercised (22.05.1968) by Infectious Diseases (Amendment) Regulations 1968 (S.I. No. 114 of 1968); rendered obsolete by revocation of Infectious Diseases Regulations 1948 (S.I. No. 99 of 1948) (1.12.1981) by Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981), reg. 4, in effect as per reg. 3.

E420  Previous affecting provision: power pursuant to section exercised (14.09.1956) by Infectious Diseases (Temporary Provisions) Regulations 1956 (S.I. No. 244 of 1956); revoked (22.05.1968) by Infectious Diseases (Amendment) Regulations 1968 (S.I. No. 114 of 1968), reg. 5(2).


E422  Previous affecting provision: power pursuant to Act exercised (7.03.1952) by Infectious Diseases (Temporary Provisions) Regulations 1952 (S.I. No. 53 of 1952); revoked (16.06.1952) by Infectious Diseases (Temporary Provisions) Regulations, 1952 (Revocation) Regulations 1952 (S.I. No. 166 of 1952), art. 2.


E426  Previous affecting provision: power pursuant to Act exercised (9.10.1948) by Infectious Diseases (Amendment) Regulations 1948 (S.I. No. 353 of 1948); revoked (22.05.1968) by Infectious Diseases (Amendment) Regulations 1968 (S.I. No. 114 of 1968), reg. 5(1).

E427  Previous affecting provision: power pursuant to Act exercised (1.07.1948) by Infectious Diseases (Shipping) Regulations 1948 (S.I. No. 170 of 1948), in effect as per reg. 3; revoked (16.01.2008) by Infectious Diseases (Shipping) Regulations 2008 (S.I. No. 4 of 2008), reg. 32.

E428  Previous affecting provision: power pursuant to Act exercised (1.05.1948) by Infectious Diseases (Aircraft) Regulations 1948 (S.I. No. 136 of 1948), in effect as per reg. 3; revoked (12.10.2009) by Infectious Diseases (Aircraft) Regulations 2009 (S.I. No. 411 of 2009), reg. 26.
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.

Annotations

Editorial Notes:

E431 The Euro equivalent of £50 mentioned in subs. (3) is €63.49. This translates into a Class C fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 6(2) and table ref. no. 6, S.I. No. 662 of 2010. A class C fine is not greater than €2,500.

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.

F22[(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.]
3. The administration and business in connection with the exercise, performance or execution of the functions transferred by Article 4 of this Order are hereby transferred to the Department of Transport and Power.

4.—(1) The functions vested in the Minister for Industry and Commerce under subsections (2) and (6) of section 31 of the Health Act, 1947 (No. 28 of 1947), are hereby transferred to the Minister for Transport and Power.

(2) References to the Minister for Industry and Commerce contained in any Act or instrument made thereunder and relating to the functions transferred by paragraph (1) of this Article shall, on and after the operative date, be construed as references to the Minister for Transport and Power.

Editorial Notes:

E432 Power pursuant to section exercised (20.02.2020) by Infectious Diseases (Amendment) Regulations 2020 (S.I. No. 53 of 2020).

E433 Power pursuant to section exercised (1.11.2019) by Infectious Diseases (Preventative Measures) (Hiv Prep) Regulations 2019 (S.I. No. 531 of 2019), in effect as per reg. 2.


E435 The Euro equivalent of £100 mentioned in subs. (8) is €126.98. This translates into a Class C fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 6(2) and table ref. no. 6, S.I. No. 662 of 2010. A class C fine is not greater than €2,500.

The Euro equivalent of £10 mentioned in subs. (8) is €12.70. This translates into a Class E fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 8(2) and table ref. no. 6, S.I. No. 662 of 2010. A class E fine is not greater than €500.


E437 Power pursuant to section exercised (16.01.2008) by Infectious Diseases (Shipping) Regulations 2008 (S.I. No. 4 of 2008).

E438 Power pursuant to section exercised (27.07.2007) by Infectious Diseases (Amendment) Regulations 2007 (S.I. No. 559 of 2007).

E439 Power pursuant to section exercised (1.11.1985) by Infectious Diseases (Amendment) Regulations 1985 (S.I. No. 268 of 1985), in effect as per reg. 3.

E440 An tArd-Chláraitheoir is empowered to give such information as may be prescribed, notwithstanding the Data Protection Regulation and the Data Protection Act 2018 and any other enactment, to the Minister for Health for the purpose of the enforcement of regulations under section (5.12.2005) by Civil Registration Act 2004 (3/2004), s. 66(1)(g), S.I. No. 764 of 2005.

E441 Power pursuant to section exercised (1.01.2005) by Infectious Diseases (Amendment) Regulations 2004 (S.I. No. 865 of 2004), in effect as per reg. 2.

E442 Power pursuant to section exercised (1.01.2004) by Infectious Diseases (Amendment) (No. 3) Regulations 2003 (S.I. No. 707 of 2003), in effect as per reg. 2.

E443 Power pursuant to section exercised (2.05.2003) by Infectious Diseases (Amendment No. 2) Regulations 2003 (S.I. No. 180 of 2003).

E444 Power pursuant to section exercised (28.03.2003) by Infectious Diseases (Amendment) Regulations 2003 (S.I. No. 115 of 2003).

E445 Power pursuant to section exercised (1.07.2000) by Infectious Diseases (Amendment) Regulations 2000 (S.I. No. 151 of 2000), in effect as per reg. 2.

| E449 | Power pursuant to section exercised (1.02.1966) by *Infectious Diseases (Certificates of Vaccination Against Smallpox) Regulations 1966* (S.I. No. 23 of 1966), in effect as per reg. 2. |
| E451 | Previous affecting provision: power pursuant to section exercised (23.05.2016) by *Infectious Diseases (Amendment) Regulations 2016* (S.I. No. 276 of 2016); superseded (18.12.2018) by *Infectious Diseases (Amendment) Regulations 2018* (S.I. No. 567 of 2018), reg. 2(b) and sch. |
| E452 | Previous affecting provision: power pursuant to section exercised (15.12.2015) by *Infectious Diseases (Amendment) Regulations 2015* (S.I. No. 566 of 2015); superseded (23.05.2016) by *Infectious Diseases (Amendment) Regulations 2016* (S.I. No. 276 of 2016), reg. 2 and sch. |
| E457 | Previous affecting provision: power pursuant to section exercised (22.05.1968) by *Infectious Diseases (Amendment) Regulations 1967* (S.I. No. 258 of 1967); revoked (22.05.1968) by *Infectious Diseases (Amendment) Regulations 1968* (S.I. No. 114 of 1968), reg. 5(3). |
| E461 | Previous affecting provision: power pursuant to Act exercised (9.10.1948) by *Infectious Diseases (Amendment) Regulations 1948* (S.I. No. 353 of 1948); revoked (22.05.1968) by *Infectious Diseases (Amendment) Regulations 1968* (S.I. No. 114 of 1968), reg. 5(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 (howsoever 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,
(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;

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.
SCHEDULE

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<thead>
<tr>
<th>Number and Year</th>
<th>Title</th>
<th>References to a health authority</th>
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<tbody>
<tr>
<td>28 of 1947 ...</td>
<td>Health Act, 1947</td>
<td>The references in section 32 and the reference in section 93 (2) (b)</td>
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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.

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.

Annotations

Editorial Notes:

E470 The Euro equivalent of £50 mentioned in section is €63.49. This translates into a Class C fine as
provided (4.01.2011) by Fines Act 2010 (8/2010), s. 6(2) and table ref. no. 6, S.I. No. 662 of 2010.
A class C fine is not greater than €2,500.

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,
and

(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.

Annotations

Editorial Notes:

E471 The Euro equivalent of £50 mentioned in sub. (3) is €63.49. This translates into a Class C fine as
provided (4.01.2011) by Fines Act 2010 (8/2010), s. 6(2) and table ref. no. 6, S.I. No. 662 of 2010.
A class C fine is not greater than €2,500.

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.

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<th>Annotations</th>
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<td>Amendments:</td>
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<tr>
<td><strong>F26</strong> Substituted (1.01.2005) by <em>Health Act 2004</em> (42/2004), s. 75 and sch. 6 part 1, S.I. No. 887 of 2004.</td>
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<td><strong>E472</strong> The Euro equivalent of £50 mentioned in subs. (1) is €63.49. This translates into a Class C fine as provided (4.01.2011) by <em>Fines Act 2010</em> (8/2010), s. 6(2) and table ref. no. 6, S.I. No. 662 of 2010. A class C fine is not greater than €2,500.</td>
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### 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.

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<td>Amendments:</td>
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<td><strong>F27</strong> Substituted (1.01.2005) by <em>Health Act 2004</em> (42/2004), s. 75 and sch. 6 part 1, S.I. No. 887 of 2004.</td>
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<td><strong>E473</strong> The Euro equivalent of £50 mentioned in subs. (4) is €63.49. This translates into a Class C fine as provided (4.01.2011) by <em>Fines Act 2010</em> (8/2010), s. 6(2) and table ref. no. 6, S.I. No. 662 of 2010. A class C fine is not greater than €2,500.</td>
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Detention and isolation of person who is probable source of infection.

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 health authority of the area in which the patient is detained;

(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,

(o) 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.

Annotations

Modifications (not altering text):


Construction of references to registered medical practitioner and Medical Council, etc.

108. — (1) Every reference to a registered medical practitioner contained in any enactment or any statutory instrument shall be construed as a reference to a registered medical practitioner within the meaning of section 2.

...  

C14 Second signature for orders made under subs. (1) required (1.01.1954) by Health Act 1953 (26/1953), s. 35, S.I. No. 377 of 1953.

Amendment of section 38 of Principal Act.

35. — An order made after the commencement of this section under subsection (1) of section 38 of the Principal Act shall have no effect unless, in addition to being signed by the chief medical officer, it is also signed by another registered medical practitioner.

Editorial Notes:

E474 The Euro equivalent of £50 mentioned in subs. (6) is €63.49. This translates into a Class C fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 6(2) and table ref. no. 6, S.I. No. 662 of 2010. A class C fine is not greater than €2,500.
(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.

Annotations

Amendments:

**F28** Inserted (20.03.2020) by *Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020* (1/2020), s. 11, commenced on enactment.

Editorial Notes:

**E475** A class C fine mentioned in subs. (8) is not greater than €2,500 as provided (4.01.2011) by *Fines Act 2010* (8/2010), s. 3, S.I. No. 662 of 2010.
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.

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.

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.

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.
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.

Presumption in civil action as to cause of infection.

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.

Maintenance of person suffering from infectious disease, etc.

44.—F30[...]

Annotations

Amendments:


Editorial Notes:

E477 Previous affecting provision: power pursuant to subs. (5) exercised (1.01.2009) by Infectious Diseases (Maintenance Allowance) Regulations 2009 (S.I. No. 581 of 2008), in effect as per reg. 2; section repealed as per F-note above.

E478 Previous affecting provision: power pursuant to subs. (5) exercised (1.01.2009) by Infectious Diseases Maintenance Allowance (Increased Payment) Regulations 2008 (S.I. No. 580 of 2008); spent as per reg. 2.

E479 Previous affecting provision: power pursuant to subs. (5) exercised (1.01.2008) by Infectious Diseases (Maintenance Allowances) Regulations 2008 (S.I. No. 836 of 2007), in effect as per reg. 2; revoked (1.01.2009) by Infectious Diseases (Maintenance Allowance) Regulations 2009 (S.I. No. 581 of 2008), reg. 3, in effect as per reg. 2.

E480 Previous affecting provision: power pursuant to subs. (5) exercised (30.11.2007) by Infectious Diseases Maintenance Allowance (Increased Payment) Regulations 2007 (S.I. No. 785 of 2007); spent as per reg. 2.
<p>| E481 | Previous affecting provision: power pursuant to subs. (5) exercised (1.01.2007) by Infectious Diseases (Maintenance Allowances) Regulations 2007 (S.I. No. 618 of 2006), in effect as per reg. 2; revoked (1.01.2008) by Infectious Diseases (Maintenance Allowances) Regulations 2008 (S.I. No. 836 of 2007), reg. 3, in effect as per reg. 2. |
| E482 | Previous affecting provision: power pursuant to subs. (5) exercised (4.12.2006) by Maintenance Allowances (Increased Payment) Regulations 2006 (S.I. No. 598 of 2006); sent as per reg. 2. |
| E483 | Previous affecting provision: power pursuant to subs. (5) exercised (1.01.2006) by Infectious Diseases (Maintenance Allowances) Regulations 2006 (S.I. No. 825 of 2005), in effect as per reg. 2; revoked (1.01.2007) by Infectious Diseases (Maintenance Allowances) Regulations 2007 (S.I. No. 618 of 2006), reg. 3, in effect as per reg. 2. |
| E484 | Previous affecting provision: power pursuant to subs. (5) exercised (3.11.2005) by Maintenance Allowances (Increased Payment) Regulations 2005 (S.I. No. 692 of 2005); spent as per reg. 2. |
| E485 | Previous affecting provision: power pursuant to subs. (5) exercised (1.01.2005) by Infectious Diseases (Maintenance Allowances) Regulations 2005 (S.I. No. 617 of 2003), in effect as per reg. 2; revoked (1.01.2006) by Infectious Diseases (Maintenance Allowances) Regulations 2006 (S.I. No. 864 of 2004), reg. 3, in effect as per reg. 2. |
| E486 | Previous affecting provision: power pursuant to subs. (5) exercised (1.01.2005) by Maintenance Allowances (Increased Payment) Regulations 2004 (S.I. No. 768 of 2004); spent as per reg. 2. |
| E487 | Previous affecting provision: power pursuant to subs. (5) exercised (1.04.2001) by Infectious Diseases (Maintenance Allowances) Regulations 2001 (S.I. No. 119 of 2001); revoked (1.01.2002) by Infectious Diseases (Maintenance Allowances) Regulations 2002 (S.I. No. 592 of 2001), reg. 3, in effect as per reg. 2. |
| E488 | Previous affecting provision: power pursuant to subs. (5) exercised (17.11.2003) by Maintenance Allowances (Increased Payment) Regulations 2003 (S.I. No. 617 of 2003); spent as per reg. 2. |
| E489 | Previous affecting provision: power pursuant to subs. (5) exercised (28.11.2002) by Maintenance Allowances (Increased Payment) Regulations 2002 (S.I. No. 547 of 2002); spent as per reg. 2. |
| E490 | Previous affecting provision: power pursuant to subs. (5) exercised (1.01.2002) by Infectious Diseases (Maintenance Allowances) Regulations 2002 (S.I. No. 734 of 2003), in effect as per reg. 2; revoked (1.01.2004) by Infectious Diseases (Maintenance Allowances) Regulations 2004 (S.I. No. 394 of 2000), reg. 3, in effect as per reg. 2. |
| E491 | Previous affecting provision: power pursuant to subs. (5) exercised (1.01.2002) by Infectious Diseases (Maintenance Allowances) Regulations 2001 (S.I. No. 119 of 2001); revoked (1.01.2002) by Infectious Diseases (Maintenance Allowances) Regulations 2002 (S.I. No. 592 of 2001), reg. 3, in effect as per reg. 2. |
| E492 | Previous affecting provision: power pursuant to subs. (5) exercised (1.04.2001) by Infectious Diseases (Maintenance Allowances) Regulations 2001 (S.I. No. 119 of 2001); revoked (1.01.2002) by Infectious Diseases (Maintenance Allowances) Regulations 2002 (S.I. No. 592 of 2001), reg. 3, in effect as per reg. 2. |
| E494 | Previous affecting provision: power pursuant to subs. (5) exercised (3.05.2000) by Infectious Diseases (Maintenance Allowances) Regulations 2000 (S.I. No. 114 of 2000), in effect as per reg. 2; revoked (1.04.2000) by Infectious Diseases (Maintenance Allowances) Regulations 2001 (S.I. No. 119 of 2001), reg. 3, in effect as per reg. 2. |
| E495 | Previous affecting provision: power pursuant to subs. (5) exercised (24.11.1999) by Maintenance Allowances (Increased Payment) Regulations 1999 (S.I. No. 369 of 1999); spent as per reg. 2. |
| E496 | Previous affecting provision: power pursuant to subs. (5) exercised (2.06.1999) by Infectious Diseases (Maintenance Allowances) Regulations 1999 (S.I. No. 157 of 1999), in effect as per reg. 2; revoked (3.05.2000) by Infectious Diseases (Maintenance Allowances) Regulations 2000 (S.I. No. 114 of 2000), reg. 3, in effect as per reg. 2. |
| E497 | Previous affecting provision: power pursuant to subs. (5) exercised (2.12.1998) by Infectious Diseases (Maintenance Allowances) (Increased Payment) Regulations 1998 (S.I. No. 525 of 1998); spent as per reg. 2. |
| E498 | Previous affecting provision: power pursuant to subs. (5) exercised (27.05.1998) by Infectious Diseases (Maintenance Allowances) Regulations 1998 (S.I. No. 115 of 1998), in effect as per reg. 2; revoked (2.06.1999) by Infectious Diseases (Maintenance Allowances) Regulations 1999 (S.I. No. 157 of 1999), reg. 3, in effect as per reg. 2. |
| E499 | Previous affecting provision: power pursuant to subs. (5) exercised (3.12.1997) by Maintenance Allowances (Increased Payment) Regulations 1997 (S.I. No. 479 of 1997); spent as per reg. 2. |
| E500 | Previous affecting provision: power pursuant to subs. (5) exercised (4.06.1997) by Infectious Diseases (Maintenance Allowances) Regulations 1997 (S.I. No. 234 of 1997), in effect as per art. 2; revoked (4.06.1997) by Infectious Diseases (Maintenance Allowances) Regulations 1997 (S.I. No. 234 of 1997), reg. 3, in effect as per reg. 2. |
| E501 | Previous affecting provision: power pursuant to subs. (5) exercised (27.11.1996) by Maintenance Allowances (Increased Payment) Regulations 1996 (S.I. No. 346 of 1996); spent as per reg. 2. |
| E502 | Previous affecting provision: power pursuant to subs. (5) exercised (5.06.1995) by Infectious Diseases (Maintenance Allowances) Regulations 1995 (S.I. No. 140 of 1995), in effect as per reg. 2; revoked (5.06.1995) by Infectious Diseases (Maintenance Allowances) Regulations 1995 (S.I. No. 140 of 1995), reg. 3, in effect as per reg. 2. |
| E505 | Previous affecting provision: power pursuant to subs. (5) exercised (17.11.1992) by Maintenance Allowances (Increased Payment) Regulations 1992 (S.I. No. 339 of 1992); spent as per reg. 2. |
| E506 | Previous affecting provision: power pursuant to subs. (5) exercised (15.12.1991) by Maintenance Allowance (Increased Payment) Regulations 1991 (S.I. No. 309 of 1991); spent as per reg. 2. |</p>
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<td>E513</td>
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<td>E516</td>
<td>Exercised by Infectious Diseases (Maintenance) Regulations 1989 (S.I. No. 192 of 1989), in effect as per reg. 2; revoked (25.07.1990) by Infectious Diseases (Maintenance) Regulations 1990 (S.I. No. 190 of 1990), reg. 3, in effect as per reg. 2.</td>
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<td>E518</td>
<td>Exercised by Infectious Diseases (Maintenance) Regulations 1988 (S.I. No. 151 of 1988), in effect as per reg. 2; section repealed as per F-note above.</td>
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<td>Exercised by Infectious Diseases (Maintenance) Regulations 1985 (S.I. No. 189 of 1985), in effect as per reg. 2; revoked (17.07.1986) by Infectious Diseases (Maintenance) Regulations 1986 (S.I. No. 228 of 1986), reg. 3, in effect as per reg. 2.</td>
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Previous affecting provision: power pursuant to subs. (5) exercised (29.11.1982) by Infectious Diseases (Maintenance) (No. 3) Regulations 1982 (S.I. No. 339 of 1982); spent as per reg. 2.

Previous affecting provision: power pursuant to subs. (5) exercised (1.09.1982) by Infectious Diseases (Maintenance) (No. 2) Regulations 1982 (S.I. No. 284 of 1982); spent as per reg. 2.

Previous affecting provision: power pursuant to subs. (5) exercised (25.11.1981) by Infectious Diseases (Maintenance) (No. 3) Regulations 1981 (S.I. No. 408 of 1981); spent as per reg. 2.


Previous affecting provision: power pursuant to subs. (5) exercised (3.03.1978) by Infectious Diseases (Maintenance) Regulations 1978 (S.I. No. 55 of 1978); revoked (20.03.1979) by Infectious Diseases (Maintenance) Regulations, 1979 (S.I. No. 78 of 1979), reg. 2.

Previous affecting provision: power pursuant to subs. (5) exercised (3.03.1978) by Infectious Diseases (Maintenance) Regulations 1978 (S.I. No. 55 of 1978); revoked (20.03.1979) by Infectious Diseases (Maintenance) Regulations, 1979 (S.I. No. 78 of 1979), reg. 2.

Previous affecting provision: power pursuant to subs. (5) exercised (6.10.1977) by Infectious Diseases (Maintenance) (No. 2) Regulations 1977 (S.I. No. 315 of 1977); revoked (3.03.1978) by Infectious Diseases (Maintenance) Regulations 1978 (S.I. No. 55 of 1978) reg. 2.

Previous affecting provision: power pursuant to subs. (5) exercised (21.03.1977) by Infectious Diseases (Maintenance) Regulations 1977 (S.I. No. 80 of 1977); revoked (6.10.1977) by Infectious Diseases (Maintenance) (No. 2) Regulations 1977 (S.I. No. 315 of 1977), reg. 2.


Previous affecting provision: power pursuant to subs. (5) exercised (1.10.1975) by Infectious Diseases (Maintenance) (Amendment) Regulations 1975 (S.I. No. 40 of 1975) (21.03.1977) by Infectious Diseases (Maintenance) Regulations 1976 (S.I. No. 68 of 1976), reg. 3, in effect as per reg. 3.
E544 Previous affecting provision: power pursuant to subs. (5) exercised (1.04.1975) by Infectious Diseases (Maintenance) Regulations 1975 (S.I. No. 40 of 1975), in effect as per reg. 2; revoked (1.04.1976) by Infectious Diseases (Maintenance) Regulations 1976 (S.I. No. 68 of 1976), reg. 3, in effect as per reg. 2.

E545 Previous affecting provision: power pursuant to subs. (5) exercised (1.07.1974) by Infectious Diseases (Maintenance) Regulations 1974 (S.I. No. 186 of 1974), in effect as per reg. 2; superseded (1.04.1975) by Infectious Diseases (Maintenance) Regulations 1975 (S.I. No. 40 of 1975), reg. 3, in effect as per reg. 2.

E546 Previous affecting provision: power pursuant to subs. (5) exercised (1.07.1973) by Infectious Diseases (Maintenance) Regulations 1973 (S.I. No. 161 of 1973), in effect as per reg. 2; revoked (6.04.1979) by Infectious Diseases (Maintenance) Regulations 1974 (S.I. No. 186 of 1974), reg. 3, in effect as per reg. 2.

E547 Previous affecting provision: power pursuant to subs. (5) exercised (1.08.1972) by Infectious Diseases (Maintenance) Regulations 1972 (S.I. No. 169 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Infectious Diseases (Maintenance) Regulations 1973 (S.I. No. 161 of 1973), reg. 3, in effect as per reg. 2.

E548 Previous affecting provision: power pursuant to subs. (5) exercised (1.07.1971) by Infectious Diseases (Maintenance) Regulations 1971 (S.I. No. 208 of 1971); revoked (1.08.1972) by Infectious Diseases (Maintenance) Regulations 1972 (S.I. No. 169 of 1972), reg. 3, in effect as per reg. 2.

E549 Previous affecting provision: power pursuant to subs. (5) exercised (1.08.1970) by Infectious Diseases (Maintenance) Regulations 1970 (S.I. No. 168 of 1970), in effect as per reg. 2; revoked (1.08.1971) by Infectious Diseases (Maintenance) Regulations 1971 (S.I. No. 208 of 1971), reg. 3, in effect as per reg. 2.

E550 Previous affecting provision: power pursuant to subs. (5) exercised (1.08.1969) by Infectious Diseases (Maintenance) Regulations, 1969 (S.I. No. 143 of 1969), in effect as per reg. 2; revoked (1.08.1970) by Infectious Diseases (Maintenance) Regulations 1970 (S.I. No. 168 of 1970), reg. 3, in effect as per reg. 2.

E551 Previous affecting provision: power pursuant to subs. (5) exercised (1.08.1968) by Infectious Diseases (Maintenance) Regulations 1968 (S.I. No. 154 of 1968), in effect as per reg. 2; revoked (1.08.1969) by Infectious Diseases (Maintenance) Regulations 1969 (S.I. No. 143 of 1969), reg. 3, in effect as per reg. 2.

E552 Previous affecting provision: power pursuant to subs. (5) exercised (1.08.1967) by Infectious Diseases (Amendment) Regulations 1967 (S.I. No. 189 of 1967), in effect as per reg. 2; revoked (22.05.1968) by Infectious Diseases (Maintenance) Regulations 1968 (S.I. No. 154 of 1968), reg. 3, in effect as per reg. 2.

E553 Previous affecting provision: power pursuant to subs. (5) exercised (1.11.1966) by Infectious Diseases (Amendment) Regulations 1966 (S.I. No. 243 of 1966), in effect as per reg. 2; revoked (1.08.1967) by Infectious Diseases (Maintenance) Regulations 1967 (S.I. No. 189 of 1967), reg. 3, in effect as per reg. 2.

E554 Previous affecting provision: power pursuant to subs. (5) exercised (1.08.1965) by Infectious Diseases (Maintenance) Regulations 1965 (S.I. No. 175 of 1965), in effect as per reg. 2; revoked (1.08.1967) by Infectious Diseases (Maintenance) Regulations 1967 (S.I. No. 189 of 1967), reg. 3, in effect as per reg. 2.

E555 Previous affecting provision: power pursuant to subs. (5) exercised (1.08.1964) by Infectious Diseases (Maintenance) Regulations 1964 (S.I. No. 193 of 1964), in effect as per reg. 2; revoked (1.08.1965) by Infectious Diseases (Maintenance) Regulations 1965 (S.I. No. 175 of 1965), reg. 3, in effect as per reg. 2.

E556 Previous affecting provision: power pursuant to subs. (5) exercised (1.11.1963) by Infectious Diseases (Maintenance) Regulations 1963 (S.I. No. 200 of 1963), in effect as per reg. 2; revoked (1.08.1964) by Infectious Diseases (Maintenance) Regulations 1964 (S.I. No. 193 of 1964), reg. 3, in effect as per reg. 2.
Treatment of infectious diseases in particular institutions.

45.—(1) The Minister may by order prohibit either absolutely or subject to specified conditions the admission of persons suffering from a specified infectious disease to, and the treatment of such persons in, any institution in the area to which the order relates other than one or more than one specified institution which the Minister considers specially fitted for the giving of such treatment.

(2) An order under this section may relate to an area consisting of either the whole or part of the State.

(3) Where a person is admitted to or treated in an institution in contravention of an order under this section, the person carrying on the institution shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day on which the offence is continued.

(4) In this section, the word “institution” includes a department of an institution.

Annotations

Editorial Notes:

E565 The Euro equivalent of £50 mentioned in subs. (3) is €63.49. This translates into a Class C fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 6(2) and table ref. no. 6, S.I. No. 662 of 2010. A class C fine is not greater than €2,500.

The Euro equivalent of £10 mentioned in subs. (3) is €12.70. This translates into a Class E fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 8(2) and table ref. no. 6, S.I. No. 662 of 2010. A class E fine is not greater than €500.
CHAPTER II.

Verminous persons and articles.

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.

Annotations

E567 The Euro equivalent of £5 mentioned in subs. (4) is €6.35. This translates into a Class E fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 8(2) and table ref. no. 6, S.I. No. 662 of 2010. A class E fine is not greater than €500.

Editorial Notes:

E568 Fines imposed in respect of offences under Health Acts which are prosecuted under section are required to be paid to prosecuting authority (15.11.1954) by Fines and Penalties (Disposal) Order 1954 (S.I. No. 241 of 1954).
Prohibition of verminous child attending school.

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.

Regulations for preventing the spread of infestation.

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.
50.—(1) A health authority shall make arrangements for the disinfection 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 disinfection 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 disinfection of a person or of his clothing under this section.

Facilities for exercise of powers and duties of health authorities under Part IV.

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.

Annotations

Modifications (not altering text):


67.— Part V of the Health Act, 1947 (as amended), and the Food Hygiene Regulations, 1950 (S.I. No. 205 of 1950) (as amended), shall not apply to a premises licensed under this Act.

C18 Matters in relation to which regulations under Part may provide listed and term “food” construed (1.01.1954) by Health Act 1953 (26/1953), s. 38(1)-(5), S.I. No. 377 of 1953.

Regulations under Part V of Principal Act.

38.—(1) Regulations under Part V of the Principal Act may provide for all or any of the following matters:

(a) the licensing or registration of—

(i) persons engaged in the manufacture, preparation, importation, storage, distribution or sale of food for human consumption,

(ii) premises, vehicles or stalls in or at which food is manufactured, prepared, stored, distributed or exposed for sale for human consumption,

(b) the description of premises, vehicles or stalls so licensed or registered,

(c) the prohibition of the manufacture, preparation, importation, storage, distribution, exposure for sale or sale of food otherwise than by licensed or registered persons or in or at licensed or registered premises, vehicles or stalls (as the case may be),

(d) the cancellation or suspension of licences or registrations,

(e) matters ancillary to the foregoing matters.
(2) Where regulations under Part V of the Principal Act include, by virtue of subsection (1) of this section, provision for the keeping of registers by health authorities—

(a) any register kept pursuant to the regulations by a health authority shall be deemed to be in proper custody when in the custody of an officer of the health authority authorised in that behalf by the health authority and shall be admissible in evidence without further proof, on production from the proper custody,

(b) prima facie evidence of any entry in any register kept pursuant to the regulations by a health authority may be given in any Court or any legal proceedings by the production of a copy of such entry purporting to be certified to be a true copy by an officer of the health authority authorised in that behalf, and it shall not be necessary to prove the signature of such officer, or that he was in fact such officer or was so authorised,

(c) a certificate purporting to be under the hand of an officer of a health authority authorised in that behalf that a specified person, premises, vehicle or stall was not, during a specified period, registered in a specified register kept pursuant to the regulations by the health authority shall be accepted in any Court or any legal proceedings as prima facie evidence of the facts so certified, and it shall not be necessary to prove the signature of such officer, or that he was in fact such officer or was so authorised.

(3) Regulations under Part V of the Principal Act may provide for functions to be performed for the purposes of the regulations by Justices of the District Court or Peace Commissioners, being functions relating to any of the following matters:

(a) the making of orders in relation to the destruction or other disposal of food which is diseased, contaminated or otherwise unfit for human consumption,

(b) the reviewing of orders prohibiting the importation or the removal from the place of importation of articles of food or animals or materials intended for use in the manufacture of food,

(c) the annulment or confirmation of orders relating to the cancellation or suspension of licences or registrations or the prohibition of the user of premises, stalls or vehicles for any specified purpose,

(d) the direction of health authorities to license or register persons, premises, vehicles or stalls in specified circumstances.

(4) Where any repairs, structural alterations or additions to premises are required by any authority enforcing regulations under Part V of the Principal Act to comply with those regulations—

(a) the repairs, structural alterations or additions may be carried out notwithstanding any covenant, agreement or condition in any lease or other contract of tenancy under which the premises are held,

(b) before the repairs, structural alterations or additions are carried out, the person required to carry them out shall—

(i) if he is not the rated occupier of the premises, inform the rated occupier, and

(ii) if he holds the premises under a lease or other contract of tenancy, inform the immediate landlord or his agent.

(5) In sections 56 and 57 of the Principal Act, the word “food” shall be construed, in addition to referring to any individual food, as referring to any class whatsoever of food.

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<table>
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<tr>
<th>Page</th>
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<tbody>
<tr>
<td>53.</td>
<td>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</td>
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<td>(a) any article which ordinarily enters into or is used in the composition or preparation of human food,</td>
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<td>(b) flavouring matters, preservatives and condiments,</td>
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<td>(c) colouring matters intended for use in food, and</td>
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<td>(d) compounds or mixtures of two or more foods.</td>
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</table>

| 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 information unless it is necessary to do so for the purpose of the enforcement of the regulations.

(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.

Annotations

Amendments:


Modifications (not altering text):

C19 Person holding record under section excluded from requirement to refuse an FOI request (14.10.2014) by Freedom of Information Act 2014 (30/2014), s. 41(1)(a) and sch. 3 part 1, commenced on enactment.

Enactments relating to non-disclosure of records.

41.—(1) A head shall refuse to grant an FOI request if—

(a) the disclosure of the record concerned is prohibited by law of the European Union or any enactment (other than a provision specified in column (3) of Part 1 or 2 of Schedule 3 of an enactment specified in that Schedule), or

...
No. 28.  
Health Act 1947  
[1947.]

PART I

STATUTES

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<th>No. 28 of 1947</th>
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Editorial Notes:


E581  Power pursuant to section exercised (13.12.2014) by Health ( Provision of Food Allergen Information to Consumers in respect of Non-Prepacked Food) Regulations 2014 (S.I. No. 489 of 2014), in effect as per reg. 1(2).

E582  Power pursuant to section exercised (1.06.2012) by Health ( Definition of Marginal, Localised and Restricted Activity) (Retail Catering Establishments) Regulations 2012 (S.I. No. 168 of 2012), in effect as per reg. 1(2).

E583  Power pursuant to section exercised (1.09.2010) by Health (Definition of Marginal, Localised and Restricted Activity) (Butcher Shop) Regulations 2010 (S.I. No. 340 of 2010), in effect as per reg. 1(2).


E591  Power pursuant to section exercised (1.05.1989) by Food Hygiene (Amendment) Regulations 1989 (S.I. No. 62 of 1989), in effect as per reg. 1(2).

E592  Power pursuant to section exercised (1.05.1984) by Health (Vinyl Chloride in Food) Regulations 1984 (S.I. No. 95 of 1984), in effect as per reg. 2.


E594  Power pursuant to section exercised (1.09.1972) by Public Health (Preservatives, Etc., in Food Regulations, 1928 and 1943) (Amendment) Regulations 1972 (S.I. No. 46 of 1972), in effect as per reg. 2.

E595  Power pursuant to section exercised (1.09.1972) by Health (Mineral Hydrocarbons in Food) Regulations 1972 (S.I. No. 45 of 1972), in effect as per reg. 2.
E596 Power pursuant to section exercised (1.09.1972) by Health (Arsenic and Lead in Food) Regulations 1972 (S.I. No. 44 of 1972), in effect as per reg. 2.

E597 Power pursuant to section exercised (6.12.1971) by Food Hygiene (Amendment) Regulations 1971 (S.I. No. 322 of 1971), in effect as per reg. 3.

E598 Power pursuant to section exercised (4.02.1961) by Food Hygiene (Amendment) Regulations 1961 (S.I. No. 24 of 1961), in effect as per reg. 3.


E600 Previous affecting provision: power pursuant to section exercised (1.09.1996) by Health (Official Control of Food) Approved Laboratories Order 1996 (S.I. No. 242 of 1996), in effect as per reg. 2; revoked (6.04.1998) by European Communities (Official Control of Foodstuffs) (Approved Laboratories) Order 1998 (S.I. No. 95 of 1998), art. 4(1), in effect as per art. 2.


E602 Previous affecting provision: power pursuant to section exercised (7.12.1995) by Health (Extraction Solvents in Foodstuffs) Regulations 1995 (S.I. No. 283 of 1995), in effect as per reg. 2; revoked (25.05.2000) by European Communities (Extraction Solvents in Foodstuffs and Food Ingredients) Regulations 2000 (S.I. No. 141 of 2000), reg. 23(1).

E603 Previous affecting provision: power pursuant to section exercised (11.04.1994) by Health (Emulsifiers, Stabilisers, Thickeners and Gelling Agents in Food) Regulations 1994 (S.I. No. 78 of 1994), in effect as per reg. 2; revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.


E607 Previous affecting provision: power pursuant to section exercised (22.04.1992) by Health (Solvents in Food) (Amendment) Regulations 1992 (S.I. No. 70 of 1992), in effect as per reg. 1(ii); revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.

E608 Previous affecting provision: power pursuant to section exercised (22.04.1992) by Health (Antioxidant in Food) (Amendment) Regulations 1992 (S.I. No. 69 of 1992), in effect as per reg. 1(ii); revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.

Previous affecting provision: power pursuant to section exercised (22.04.1992) by Health (Erucaic Acid in Food) (Amendment) Regulations 1992 (S.I. No. 67 of 1992), in effect as per reg. 1(ii); revoked by European Communities (Certain Contaminants in Foodstuffs) Regulations 2010 (S.I. No. 218 of 2010), reg. 33(d), as inserted (23.06.2016) by European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2016 (S.I. No. 329 of 2016), reg. 3(p).

Previous affecting provision: power pursuant to section exercised (22.04.1992) by Health (Preservatives in Food) (Amendment) Regulations 1992 (S.I. No. 66 of 1992), in effect as per reg. 1(ii); revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.


Previous affecting provision: power pursuant to section exercised (1.08.1985) by Health (Emulsifiers, Stabilisers, Thickening and Gelling Agents in Food) (Amendment) Regulations 1985 (S.I. No. 186 of 1985), in effect as per reg. 3; revoked (11.04.1994) by Health (Emulsifiers, Stabilisers, Thickeners and Gelling Agents in Food) Regulations 1994 (S.I. No. 78 of 1994), reg. 10, in effect as per reg. 2.
E620 Previous affecting provision: power pursuant to section exercised (1.04.1983) by Health (Antioxidant in Food) (Amendment) Regulations 1982 (S.I. No. 61 of 1983), in effect as per reg. 3; revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.


E625 Previous affecting provision: power pursuant to section exercised (1.03.1980) by Health (Emulsifiers, Stabilisers, Thickening and Gelling Agents in Food) Regulations 1980 (S.I. No. 35 of 1980), in effect as per reg. 3; revoked (11.04.1994) by Health (Emulsifiers, Stabilisers, Thickeners and Gelling Agents in Food) Regulations 1994 (S.I. No. 78 of 1994), reg. 10, in effect as per reg. 2.

E626 Previous affecting provision: power pursuant to section exercised (1.06.1978) by Health (Colouring Agents in Food) (Amendment) Regulations 1978 (S.I. No. 140 of 1978), in effect as per reg. 2; revoked (31.12.1995) by European Communities (General Provisions on The Control of Additives, and in Particular Colours and Sweeteners For Use in Foodstuffs) Regulations 1995 (S.I. No. 344 of 1995), reg. 23, in effect as per reg. 2.

E627 Previous affecting provision: power pursuant to section exercised (1.05.1978) by Health (Eruvic Acid in Food) Regulations 1978 (S.I. No. 123 of 1978), in effect as per reg. 2; revoked by European Communities (Certain Contaminants in Foodstuffs) Regulations 2010 (S.I. No. 218 of 2010), reg. 33(c), as inserted (23.06.2016) by European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2016 (S.I. No. 329 of 2016), reg. 3(p).


E629 Previous affecting provision: power pursuant to section exercised (1.07.1974) by Health (Antioxidant in Food) Regulations 1973 (S.I. No. 148 of 1973), in effect as per reg. 2; revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.


E634 Previous affecting provision: power pursuant to section exercised (1.09.1972) by Health (Preservatives in Food) Regulations 1972 (S.I. No. 43 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Health (Preservatives in Food) Regulations 1973 (S.I. No. 147 of 1973), reg. 3, in effect as per reg. 2.

E635 Previous affecting provision: power pursuant to section exercised (1.09.1972) by Health (Antioxidant in Food) Regulations 1972 (S.I. No. 42 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Health (Antioxidant in Food) Regulations 1973 (S.I. No. 148 of 1973), reg. 3(1), in effect as per reg. 2.

E636 Previous affecting provision: power pursuant to section exercised (1.09.1972) by Health (Colouring Matter in Food) Regulations 1972 (S.I. No. 41 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Health (Colouring Agents in Food) Regulations 1973 (S.I. No. 149 of 1973), reg. 3(1), in effect as per reg. 2.


E638 Previous affecting provision: power pursuant to section exercised (23.03.1970) by Health (Cyclamate in Food) Regulations 1970 (S.I. No. 49 of 1970), in effect as per reg. 2; revoked (31.12.1995) by European Communities (General Provisions on the Control of Additives, and in Particular Colours and Sweeteners For Use in FoodStuffs) Regulations 1995 (S.I. No. 344 of 1995), reg. 23, in effect as per reg. 2.

Licensing and registration of persons and premises.

55.—F33[...]

Annotations

Amendments:

F33 Repealed (1.01.1954) by Health Act 1953 (26/1953), s. 5 and sch., commenced as per s. 38(6) and S.I. No. 377 of 1953.

Standards for food and drink.

56.—(1) Where the Minister is of opinion that the composition of any food (whether consumed by itself or as an ingredient of other food) is of special importance to the public health, he may, after consultation with the Minister for Industry and Commerce and the Minister for Agriculture and after giving the notice mentioned in subsection (2) of this section, make regulations prescribing a standard for the composition of such food.
(2) Not less than one month before the Minister makes regulations under this section he shall cause notice to be published in a daily newspaper or in two or more daily newspapers of his intention to make regulations specifying the food for the composition of which a standard will thereby be prescribed.

(3) Regulations under this section may contain—

(a) provisions in relation to the nature, quality or amount of any substance to be contained in the food to which the regulations relate,

(b) provisions specifying any substance which is not to be contained in such food,

(c) provisions limiting the amount of any substance to be contained in such food,

(d) provisions in relation to the methods used or the time taken in the manufacture, preparation or distribution of such food,

(e) provisions in relation to the labelling or description of such food.

(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.

(10) 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.
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,
stance, 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.

Annotations

Modifications (not altering text):

C21 Term "food" construed (1.01.1954) by Health Act 1953 (26/1953), s. 38(5), S.I. No. 377 of 1953.

Regulations under Part V of Principal Act.

38.—...

(5) In sections 56 and 57 of the Principal Act, the word “food” shall be construed, in addition to referring to any individual food, as referring to any class whatsoever of food.

...

Editorial Notes:

E650 The Euro equivalent of £100 mentioned in subs. (3) is €126.98. This translates into a Class C fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 6(2) and table ref. no. 6, S.I. No. 662 of 2010. A class C fine is not greater than €2,500.

The Euro equivalent of £10 mentioned in subs. (8) is €12.70. This translates into a Class E fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 8(2) and table ref. no. 6, S.I. No. 662 of 2010. A class E fine is not greater than €500.

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.

Annotations

Editorial Notes:

E651 Power pursuant to section exercised (1.05.1989) by Food Hygiene (Amendment) Regulations 1989 (S.I. No. 62 of 1989), in effect as per reg. 1(2).

E652 Power pursuant to section exercised (6.12.1971) by Food Hygiene (Amendment) Regulations 1971 (S.I. No. 322 of 1971), in effect as per reg. 3.


E654 Previous affecting provision: power pursuant to section exercised (1.09.1972) by Health (Preservatives in Food) Regulations 1972 (S.I. No. 43 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Health (Preservatives in Food) Regulations 1973 (S.I. No. 147 of 1973), reg. 3, in effect as per reg. 2.


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.

Annotations

Modifications (not altering text):

C22 Reference to “health board” construed as references to Health Service Executive (1.01.2005) by Health Act 2004 (42/2004), ss. 56(a), 66, S.I. No. 887 of 2004.

Definitions (Part 10).

56.—In this Part “specified body” means—

(a) the health boards,

...

References to specified bodies.

66.—Subject to this Act, references (however expressed) to a specified body in any Act passed before the establishment day, or in any instrument made before that day under an Act, are to be read as references to the Executive, unless the context otherwise requires.

C23 Words “local authorities” construed (1.04.1971) by Health Act, 1970 (Adaptation) Regulations 1971 (S.I. No. 106 of 1971), reg. 6 and sch., in effect as per reg. 2

6. Each of the enactments and regulations mentioned in the first column of the Schedule to this Order shall be adapted in the manner and to the extent specified in the second column of the said Schedule.

SCHEDULE

...

Health Act, 1947 (No. 28 of 1947)

In section 59 (a) (iii) the reference to local authorities shall be construed as including a reference to health boards.

...

Editorial Notes:


E660 Power pursuant to section exercised (1.05.1989) by Food Hygiene (Amendment) Regulations 1989 (S.I. No. 62 of 1989), in effect as per reg. 1(2).
E661 Power pursuant to section exercised (1.05.1984) by Health (Vinyl Chloride in Food) Regulations 1984 (S.I. No. 95 of 1984), in effect as per reg. 2.


E663 Power pursuant to section exercised (1.09.1972) by Health (Mineral Hydrocarbons in Food) Regulations 1972 (S.I. No. 45 of 1972), in effect as per reg. 2.

E664 Power pursuant to section exercised (1.09.1972) by Health (Arsenic and Lead in Food) Regulations 1972 (S.I. No. 44 of 1972), in effect as per reg. 2.

E665 Power pursuant to section exercised (6.12.1971) by Food Hygiene (Amendment) Regulations 1971 (S.I. No. 322 of 1971), in effect as per reg. 3.

E666 Previous affecting provision: power pursuant to section exercised (1.09.1996) by Health (Official Control of Food) Approved Laboratories Order 1996 (S.I. No. 242 of 1996), in effect as per art. 2; revoked (6.04.1998) by European Communities (Official Control of Foodstuffs) (Approved Laboratories) Order 1998 (S.I. No. 95 of 1998), art. 4(1), in effect as per art. 2.


E668 Previous affecting provision: power pursuant to section exercised (7.12.1995) by Health (Extraction Solvents in Foodstuffs) Regulations 1995 (S.I. No. 283 of 1995), in effect as per reg. 2; revoked (25.05.2000) by European Communities (Extraction Solvents in Foodstuffs and Food Ingredients) Regulations 2000 (S.I. No. 141 of 2000), reg. 23(1).

E669 Previous affecting provision: power pursuant to section exercised (11.04.1994) by Health (Emulsifiers, Stabilisers, Thickeners and Gelling Agents in Food) Regulations 1994 (S.I. No. 78 of 1994), in effect as per reg. 2; revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.


E673 Previous affecting provision: power pursuant to section exercised (22.04.1992) by Health (Solvents in Food) (Amendment) Regulations 1992 (S.I. No. 70 of 1992), in effect as per reg. 1(ii); revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.

E674 Previous affecting provision: power pursuant to section exercised (22.04.1992) by Health (Antioxidant in Food) (Amendment) Regulations 1992 (S.I. No. 69 of 1992), in effect as per reg. 1(ii); revoked (25.03.1997) by European Communities Detailed Provisions on the Control of Additives, Other Than Colours and Sweeteners For Use in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.

E676 Previous affecting provision: power pursuant to section exercised (22.04.1992) by Health (Erucc Acid in Food) (Amendment) Regulations 1992 (S.I. No. 67 of 1992), in effect as per reg. 1(ii); revoked (25.03.1997) by European Communities (Certain Contaminants in Foodstuffs) Regulations 1997 (S.I. No. 128 of 1997), reg. 13(1), in effect as per reg. 2.

E677 Previous affecting provision: power pursuant to section exercised (22.04.1992) by Health (Preservatives in Food) (Amendment) Regulations 1992 (S.I. No. 66 of 1992), in effect as per reg. 1(ii); revoked (23.06.2016) by European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2016 (S.I. No. 329 of 2016), reg. 3(p).


E684 Previous affecting provision: power pursuant to section exercised (1.08.1985) by Health (Emulsifiers, Stabilisers, Thickening and Gelling Agents in Food) (Amendment) Regulations 1985 (S.I. No. 186 of 1985), in effect as per reg. 3; revoked (11.04.1994) by Health (Emulsifiers, Stabilisers, Thickeners and Gelling Agents in Food) Regulations 1994 (S.I. No. 78 of 1994), reg. 10, in effect as per reg. 2.

| E688 | Previous affecting provision: power pursuant to section exercised (1.03.1980) by Health (Emulsifiers, Stabilisers, Thickening and Gelling Agents in Food) Regulations 1980 (S.I. No. 35 of 1980), in effect as per reg. 3; revoked (11.04.1994) by Health (Emulsifiers, Stabilisers, Thickening and Gelling Agents in Food) Regulations 1994 (S.I. No. 78 of 1994), reg. 10, in effect as per reg. 2. |
| E689 | Previous affecting provision: power pursuant to section exercised (1.05.1978) by Health (Eruvic Acid in Food) Regulations 1978 (S.I. No. 123 of 1978), in effect as per reg. 2; revoked by European Communities (Certain Contaminants in Foodstuffs) Regulations 2010 (S.I. No. 218 of 2010), reg. 33(c), as inserted (23.06.2016) by European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2016 (S.I. No. 329 of 2016), reg. 3(p). |
| E691 | Previous affecting provision: power pursuant to section exercised (1.07.1974) by Health (Antioxidant in Food) Regulations 1973 (S.I. No. 149 of 1973), in effect as per reg. 2; revoked by European Communities (General Provisions on The Control of Additives, and in Particular Colours and Sweeteners For Use in Foodstuffs) Regulations 1995 (S.I. No. 344 of 1995), reg. 23, in effect as per reg. 2. |
Previous affecting provision: power pursuant to section exercised (1.09.1972) by Health (Preservatives in Food) Regulations 1972 (S.I. No. 43 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Health (Preservatives in Food) Regulations 1973 (S.I. No. 147 of 1973), reg. 3, in effect as per reg. 2.

Previous affecting provision: power pursuant to section exercised (1.09.1972) by Health (Antioxidant in Food) Regulations 1972 (S.I. No. 42 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Health (Antioxidant in Food) Regulations 1973 (S.I. No. 148 of 1973), reg. 3(1), in effect as per reg. 2.

Previous affecting provision: power pursuant to section exercised (1.09.1972) by Health (Colouring Matter in Food) Regulations 1972 (S.I. No. 41 of 1972), in effect as per reg. 2; revoked (1.07.1974) by Health (Colouring Agents in Food) Regulations 1973 (S.I. No. 149 of 1973), reg. 3(1), in effect as per reg. 2.


Previous affecting provision: power pursuant to section exercised (23.03.1970) by Health (Cyclamate in Food) Regulations 1970 (S.I. No. 49 of 1970), in effect as per reg. 2; revoked (31.12.1995) by European Communities (General Provisions on The Control of Additives, and in Particular Colours and Sweeteners For Use in Foodstuffs) Regulations 1995 (S.I. No. 344 of 1995), reg. 23, in effect as per reg. 2.

Charges under regulations under Part V.

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.

Obstruction of execution of regulations under Part V.

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 F34[one thousand pounds] and, in the case of a continuing offence, to a further fine not exceeding F34[one hundred 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.

Annotations

Amendments:


Editorial Notes:

E702 The Euro equivalent of £1,000 mentioned in section is €1,269.80. This translates into a Class C fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 6(3) and table ref. no. 2, S.I. No. 662 of 2010. A class C fine is not greater than €2,500.

The Euro equivalent of £100 mentioned in section is €126.98. This translates into a Class E fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 8(3) and table ref. no. 2, S.I. No. 662 of 2010. A class E fine is not greater than €500.
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.

Annotations

Editorial Notes:

E703 The Euro equivalent of £5 mentioned in subs. (2) is €6.35. This translates into a Class E fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 8(2) and table ref. no. 6, S.I. No. 662 of 2010. A class E fine is not greater than €500.

The Euro equivalent of £20 mentioned in subs. (2) is €25.40. This also translates into a Class E fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 8(2) and table ref. no. 6, S.I. No. 662 of 2010. A class E fine is not greater than €500.

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.

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

F35[ 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.

Annotations

Amendments:

F35 Inserted (1.04.1966) by Health (Homes For Incapacitated Persons) Act 1964 (8/1964), s. 6, S.I. No. 43 of 1966. Note that this Act was repealed (1.09.1993) by Health (Nursing Homes) Act 1990 (23/1990), s. 15(1), S.I. No. 222 of 1993, subject to transitional provision in subs. (2).
Control of advertisement or sale of medical and toilet preparations.

65.—F36[...]

Annotations

Amendments:


Editorial Notes:

E704 Previous affecting provision: power pursuant to section exercised (1.10.1995) by Medical Preparations (Labelling and Package Leaflets) (Amendment) Regulations 1994 (S.I. No. 440 of 1994), in effect as per reg. 2; section repealed as per F-note above.


E706 Previous affecting provision: power pursuant to section exercised (22.03.1993) by Medical Preparations (Prescription and Control of Supply) Regulations 1993 (S.I. No. 69 of 1993), in effect as per reg. 2; revoked (1.09.1996) by Medicinal Products (Prescription and Control of Supply) Regulations 1996 (S.I. No. 256 of 1996), reg. 3, in effect as per reg. 2.


E708 Previous affecting provision: power pursuant to section exercised (12.03.1993) by Medical Preparations (Labelling & Package Leaflets) Regulations 1993 (S.I. No. 71 of 1993); revoked (30.10.2010) by Medicinal Products (Control of Placing on the Market) Regulations 2007 (S.I. No. 540 of 2007), reg. 26(2), in effect as per reg. 26(2).

E709 Previous affecting provision: power pursuant to section exercised (12.03.1993) by Medical Preparations (Licensing, Advertisement & Sale) (Amendment) Regulations 1993 (S.I. No. 70 of 1993); revoked (19.02.1996) by Medical Preparations (Licensing and Sale) Regulations 1996 (S.I. No. 43 of 1996), reg. 15, in effect as per reg. 16.

E710 Previous affecting provision: power pursuant to section exercised (11.03.1993) by Medical Preparations (Licensing of Manufacture) Regulations, 1993 (Amendment) Regulations 1993 (S.I. No. 68 of 1993); revoked (23.07.2007) by Medicinal Products (Control of Manufacture) Regulations 2007 (S.I. No. 539 of 2007), reg. 16(1), in effect as per reg. 2.

E711 Previous affecting provision: power pursuant to section exercised (11.02.1993) by Medical Preparations (Licensing of Manufacture) Regulations 1993 (S.I. No. 40 of 1993); revoked (23.07.2007) by Medicinal Products (Control of Manufacture) Regulations 2007 (S.I. No. 539 of 2007), reg. 16(1), in effect as per reg. 2.

### E713

### E714

### E715

### E716

### E717

### E718

### E719
Previous affecting provision: power pursuant to section exercised (1.07.1987) by *Medical Preparations (Control of Sale) Regulations 1987* (S.I. No. 18 of 1987), in effect as per reg. 2; revoked (22.03.1993) by *Medical Preparations (Prescription and Control of Supply) Regulations 1993* (S.I. No. 69 of 1993), reg. 3, in effect as per reg. 2.

### E720

### E721

### E722


E726 Previous affecting provision: subss. (3)(j) and (5) substituted (1.03.1979) by Misuse of Drugs Act 1977 (12/1977), s. 36(a), (b), S.I. No. 28 of 1979; section repealed as per F-note above.

E727 Previous affecting provision: power pursuant to section exercised (1.05.1976) by Medical Preparations (Control of Sale) (Amendment) Regulations 1976 (S.I. No. 82 of 1976), in effect as per reg. 3; rendered obsolete by revocation of Medical Preparations (Control of Sale) Regulations 1966 (S.I. No. 261 of 1966) (1.07.1987) by Medical Preparations (Control of Sale) Regulations 1987 (S.I. No. 18 of 1987), reg. 3, in effect as per reg. 2.


E731 Previous affecting provision: power pursuant to section exercised (23.09.1971) by Medical Preparations (Control of Sale) (Amendment) Regulations 1971 (S.I. No. 272 of 1971); revoked (1.07.1987) by Medical Preparations (Control of Sale) Regulations 1987 (S.I. No. 18 of 1987), reg. 3, in effect as per reg. 2.


E733 Previous affecting provision: power pursuant to section exercised (10.12.1969) by Medical Preparations (Control of Amphetamine) Regulations 1969 (S.I. No. 244 of 1969), in effect as per reg. 3(1); revoked (1.04.2007) by Medicinal Products (Revocation of the Medical Preparations (Control of Amphetamine) Regulations 1969) Regulations 2007 (S.I. No. 99 of 2007), reg. 2, in effect as per reg. 2.
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,

(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.
OFFICERS OF HEALTH AUTHORITIES.

Definitions for Part VII.

68.—F39[...]

Annotations
Amendments:

County medical officers.

69.—F40[...]

Annotations
Amendments:

Editorial Notes:
E744 Previous affecting provision: application of section restricted (1.07.1960 and other dates) by Health Authorities Act 1960 (9/1960), s. 19(5)(a), S.I. No. 134 of 1960 and other SIs; section repealed as per F-note above.

E745 Previous affecting provision: references in section construed (1.07.1960) by Health Authorities Act 1960 (9/1960), s. 24(8), S.I. No. 134 of 1960; section repealed as per F-note above.

Assistant county medical officers.

70.—F41[...]

Annotations
Amendments:

Editorial Notes:
E746 Previous affecting provision: application of section restricted (1.07.1960) by Health Authorities Act 1960 (9/1960), s. 24(9), S.I. No. 134 of 1960; section repealed as per F-note above.

City medical officers.

71.—F42[...]

Annotations
Amendments:
Assistant city medical officers.

72.—F43[

Annotatons

Amendments:


Editorial Notes:

E748 Previous affecting provision: application of section restricted (1.07.1960) by Health Authorities Act 1960 (9/1960), s. 24(11), S.I. No. 134 of 1960; section repealed as per F-note above.

District medical officers of health.

73.—F44[

Annotatons

Amendments:

F44 Repealed (1.08.1954) by Health Act 1953 (26/1953), s. 5 and sch., S.I. No. 62 of 1954.

Bacteriologists.

74.—F45[

Annotatons

Amendments:


Health inspectors.

75.—F46[

Annotatons

Amendments:

Provisions relating to holders of certain offices under sanitary authorities.

76.—F47[...]

Annotations
Amendments:

PART VIII.

ACQUISITION AND DISPOSAL OF LAND BY HEALTH AUTHORITIES.

Annotations
Editorial Notes:
E749 An offence under Part may be prosecuted by the health authority in whose functional area the offence is committed as provided (1.01.1954) by Health Act 1953 (26/1953), s. 44, S.I. No. 377 of 1953.

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.—F48[(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).

Annotations
Amendments:
F48 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 1, S.I. No. 887 of 2004.

Modifications (not altering text):
C25 Functions under subs. (1) transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.
2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1
Enactments

Part 2
1922 to 2011 Enactments

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Editorial Notes:

E750 Power pursuant to Act exercised (28.09.1948) by Health (Compulsory Acquisition of Land) Regulations 1948 (S.I. No. 314 of 1948).


E752 Previous affecting provision: subs. (1) substituted (6.11.1996) by Health (Amendment) (No. 3) Act 1996 (32/1996), s. 18(a), commenced on enactment; subsection substituted as per F-note above.

E753 Previous affecting provision: functions under section declared reserved functions (6.11.1996) by Health (Amendment) (No. 3) Act 1996 (32/1996), s. 3(1)(a) and sch. 1, commenced on enactment; s. 3 repealed (1.01.2005) by Health Act 2004 (42/2004), s. 73(1) and sch. 4, S.I. No. 887 of 2004.

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 fourteen 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 contin-
ued.

Annotations

Editorial Notes:

E754 The Euro equivalent of £5 mentioned in subs. (8) is €6.35. This translates into a Class E fine as 
provided (4.01.2011) by Fines Act 2010 (8/2010), s. 8(2) and table ref. no. 6, S.I. No. 662 of 2010. 
A class E fine is not greater than €500.

The Euro equivalent of £1 mentioned in subs. (8) is €1.27. This also translates into a Class E fine 
as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 8(2) and table ref. no. 6, S.I. No. 662 of 
2010. A class E fine is not greater than €500.

Making of 
compulsory 
acquisition order.

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.

Annotations

Editorial Notes:

E755 Previous affecting provision: functions under section declared reserved functions (6.11.1996) by 
Health (Amendment) (No. 3) Act 1996 (32/1996), s. 3(1)(a) and sch. 1, commenced on enactment; 
s. 3 repealed (1.01.2005) by Health Act 2004 (42/2004), s. 73(1) and sch. 4, S.I. No. 887 of 2004.

Notices, etc., of 
making of 
compulsory 
acquisition order.

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

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(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.

Annotations

Editorial Notes:

E756 Previous affecting provision: functions under section declared reserved functions (6.11.1996) by Health (Amendment) (No. 3) Act 1996 (32/1996), s. 3(1)(a) and sch. 1, commenced on enactment; s. 3 repealed (1.01.2005) by Health Act 2004 (42/2004), s. 73(1) and sch. 4, S.I. No. 887 of 2004.

Confirmation of 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.

Notices, etc., of confirmation of compulsory acquisition order.

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.

F49[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.]
Amendments:

F49 Substituted (6.11.1996) by Health (Amendment) (No. 3) Act 1996 (32/1996), s. 18(b), commenced on enactment.

Modifications (not altering text):

C26 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

   (2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

   (a) the enactments specified in Schedule 1, and

   (b) the statutory instruments specified in Schedule 2,

   are transferred to the Minister for Public Expenditure and Reform.

   ... 

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

   ...

Schedule 1
Enactments

Part 2
1922 to 2011 Enactments

<table>
<thead>
<tr>
<th>Number and Year</th>
<th>Short Title</th>
<th>Provision</th>
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<tbody>
<tr>
<td>(1)</td>
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<td>(3)</td>
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<td>...</td>
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<td>...</td>
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<tr>
<td>No. 28 of 1947</td>
<td>Health Act 1947</td>
<td>Sections 5, 8, 78(1), 88, 89 and 100</td>
</tr>
<tr>
<td>...</td>
<td>...</td>
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</tbody>
</table>

Editorial Notes:

E758 Previous affecting provision: functions under section declared reserved functions (6.11.1996) by Health (Amendment) (No. 3) Act 1996 (32/1996), s. 3(1)(a) and sch. 1, commenced on enactment; s. 3 repealed (1.01.2005) by Health Act 2004 (42/2004), s. 73(1) and sch. 4, S.I. No. 887 of 2004.

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Disposal of surplus land.

89.—F50[(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)

Annotatons

Amendments:

F50 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 1, S.I. No. 887 of 2004.

F51 Substituted (6.11.1996) by Health (Amendment) (No. 3) Act 1996 (32/1996), s. 18(d), commenced on enactment.


Modifications (not altering text):

C27 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1
Enactments
...

Part 2
1922 to 2011 Enactments
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.

Annotations

Editorial Notes:

An offence under Part may be prosecuted by the health authority in whose functional area the offence is committed as provided (1.01.1954) by Health Act 1953 (26/1953), s. 44, S.I. No. 377 of 1953.


**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.

Annotations

**Modifications (not altering text):**

**C28** Words “manager of a health authority” construed (1.04.1971) by Health Act, 1970 (Adaptation) Regulations 1971 (S.I. No. 106 of 1971), reg. 6 and sch., in effect as per reg. 2

6. Each of the enactments and regulations mentioned in the first column of the Schedule to this Order shall be adapted in the manner and to the extent specified in the second column of the said Schedule.

**SCHEDULE**

... Health Act, 1947 (No. 28 of 1947) ...

... In section 91 (c) the words “chief executive officer of a health board” shall be substituted for the words “manager of a health authority”.

...
(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.

Annotations

Modifications (not altering text):

C29 Word “manager” construed (1.04.1971) by Health Act, 1970 (Adaptation) Regulations 1971 (S.I. No. 106 of 1971), reg. 6 and sch., in effect as per reg. 2

6. Each of the enactments and regulations mentioned in the first column of the Schedule to this Order shall be adapted in the manner and to the extent specified in the second column of the said Schedule.

SCHEDULE

... Health Act, 1947 (No. 28 of 1947)

... In section 93 (2) the words “chief executive officer of a health board” shall be substituted for the word “manager”.

...
References construed (1.04.1971) by Health Boards (Functions of Chief Executive Officers) Order 1971 (S.I. No. 107 of 1971), reg. 3, in effect as per reg. 2.

3. Each reference to a health authority, specified in the third column of the Schedule in the enactments and statutory instruments mentioned in the second column, shall be construed as a reference to the chief executive officer of a health board.

SCHEDULE

<table>
<thead>
<tr>
<th>Number and Year</th>
<th>Title</th>
<th>References to a health authority</th>
</tr>
</thead>
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<td>Health Act, 1947</td>
<td>The references in section 32 and the reference in section 93 (2) (b)</td>
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Editorial Notes:

E765 The Euro equivalent of £20 mentioned in sub. (8) is €25.40. This translates into a Class E fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 8(2) and table ref. no. 6, S.I. No. 662 of 2010. A class E fine is not greater than €500.

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.
Annotations

Modifications (not altering text):

C31 Word “manager” construed (1.04.1971) by Health Act, 1970 (Adaptation) Regulations 1971 (S.I. No. 106 of 1971), reg. 6 and sch., in effect as per reg. 2

6. Each of the enactments and regulations mentioned in the first column of the Schedule to this Order shall be adapted in the manner and to the extent specified in the second column of the said Schedule.

SCHEDULE

... Health Act, 1947 (No. 28 of 1947) ...

In section 94 (2) the words “chief executive officer of a health board” shall be substituted for the word “manager”.

In section 94 (4) the words “chief executive officer” shall be substituted for the word “manager” wherever it occurs.

...

Editorial Notes:

E766 The Euro equivalent of £20 mentioned in sub s. (5) is €25.40. This translates into a Class E fine as provided (4.01.2011) by Fines Act 2010 (8/2010), s. 8(2) and table ref. no. 6, S.I. No. 662 of 2010. A class E fine is not greater than €500.

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.

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.—F53[...]

(2) F53[...]

(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 F54[...] 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.

F55[(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.]
of the Health Act, 1947, or of a regulation made thereunder) to be performed by the National Health Council shall be deemed to have been as validly done as if the function had been duly performed by that Council.


Editorial Notes:


E769 Power pursuant to section exercised (10.04.2000) by National Ambulance Advisory Council (Revocation) Order 2000 (S.I. No. 108 of 2000), in effect as per art. 1(2), subject to transitional provision in art. 2(2).


E771 Power pursuant to section exercised (8.04.1948) by Consultative Cancer Council (Establishment) Order 1948 (S.I. No. 125 of 1948).

E772 Power pursuant to section exercised (3.03.1948) by National Health Council (Establishment) Order 1948 (S.I. No. 81 of 1948).


E774 Previous affecting provision: application of subs. (17) restricted (26.06.1961) by Poisons Act 1961 (12/1961), s. 3(3)(b), S.I. No. 121 of 1961; s. 65 of this Act, under which regulations to be made, repealed (1.01.1996) by Irish Medicines Board Act 1995 (29/1995), s. 34, S.I. No. 345 of 1995, subject to transitional provisions in subs. (3), (4) and s. 31.

E775 Previous affecting provision: subs. (1) amended (31.03.1954) by Health Act 1953 (26/1953), s. 41(a), S.I. No. 62 of 1954; subsection repealed as per F-note above.

E776 Previous affecting provision: power pursuant to subs. (4) exercised (1.04.1952) by National Health Council (Tenure of Office of Members) Order 1952 (S.I. No. 84 of 1952); spent as per art. 2.

E777 Previous affecting provision: power pursuant to subs. (4) exercised (1.06.1950) by National Health Council (Tenure of Office of Members) Order 1950 (S.I. No. 157 of 1950); spent as per art. 2.

Dissemination of information and advice on health.

99.—F56[...]

Annotations

Amendments:


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.
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.

Annannations

Modifications (not altering text):

C34 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...
Joint action by health authorities.

101.—F57[...]

Annotations

Amendments:

F57 Repealed (1.01.1954) by Health Act 1953 (26/1953), s. 5 and sch., S.I. No. 377 of 1953.

Editorial Notes:

E778 Previous affecting provision: power pursuant to section exercised (1.07.1952) by Western Health Institutions Committee Order 1952 (S.I. No. 194 of 1952), in effect as per art. 1(2); revoked (1.04.1971) by Joint Health Boards (Dissolution) Order 1971 (S.I. No. 118 of 1971), art. 3(1)(f) and sch. part II, in effect as per art. 2.

E779 Previous affecting provision: power pursuant to section exercised (1.07.1948) by Cork Port (Enforcement of Health Regulations) Order 1948 (S.I. No. 230 of 1948); section repealed as per F-note above.

Home nursing.

102.—F58[...]

Annotations

Amendments:


Borrowing by health authority.

103.—F59[...]

Annotations

Amendments:

F59 Repealed (2.12.1964) by Local Government (Repeal of Enactments) Act 1964 (33/1964), s. 1 and sch., commenced on enactment.
Provision of ambulances.

104.—F60[...]

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.

Annotations

Modifications (not altering text):

C35 Certain services deemed to be provided under section (1.08.1962) by Health Act 1953 (26/1953), s. 66(2), S.I. No. 62 of 1954.

Dispensary residences under Public Assistance Act, 1939.

66.—... (2) Where section 105 of the Principal Act applies to a board of assistance or board of public assistance by virtue of an order under section 45 or section 46 of this Act commencing on the commencement of this section, every residence which, immediately before the commencement of this section, was maintained under section 43 of the Public Assistance Act, 1939, by such board shall, on and after such commencement, be deemed to have been provided by such board under section 105 of the Principal Act.

...
(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.

Annotations

Editorial Notes:

E783 Power pursuant to section exercised (1.07.1948) by Cork Port Sanitary Authority (Dissolution) Order 1948 (S.I. No. 229 of 1948).

E784 Power pursuant to section exercised (25.05.1948) by Galway Port Sanitary Authority (Dissolution) Order 1948 (S.I. No. 169 of 1948).

E785 Power pursuant to section exercised (25.05.1948) by Waterford and New Ross Port Sanitary Authority (Dissolution) Order 1948 (S.I. No. 168 of 1948).

E786 Power pursuant to section exercised (25.05.1948) by Dublin Port Sanitary Authority (Dissolution) Order 1948 (S.I. No. 167 of 1948).

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.
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 annuls 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 thereunder.

Annotations

Editorial Notes:


E788 Power pursuant to section exercised (1.02.1951) by Health Act, 1947 (Adaptation) Order 1951 (S.I. No. 15 of 1951), in effect as per art. 1.

E789 Power pursuant to section exercised (24.03.1948) by Health Act, 1947 (Adaptation) Order 1948 (S.I. No. 101 of 1948).
### FIRST SCHEDULE

#### Enactments Repealed.

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<th>Session and Chapter or Number and Year</th>
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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>
<td>Public Health (Ireland) Act, 1878.</td>
<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>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>8 Edw. VII, c. 56</td>
<td>Tuberculosis Prevention (Ireland) Act, 1908.</td>
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<td>Notification of Births (Extension) Act, 1915.</td>
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<td>Local Government Act, 1941.</td>
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Section 31.

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 disinfestation 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.