Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.



Number 28 *of* 1947

HEALTH ACT 1947

REVISED

Updated to 14 May 2026

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 *Mental Health Act 2026* (11/2026), enacted 7 May 2026, and all statutory instruments up to and including the *Infectious Diseases (Amendment) Regulations 2026* (S.I. No. 209 of 2026), made 14 May 2026, 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
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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. [13*th August*, 1947.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

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);

F1**[**F2**[**...**]**

F2**[**...**]**

F2**[**...**]]**

F3**[**"cessation order" has the meaning assigned to it in *section 31AH*;**]**

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;

F3**[**"compliance notice" has the meaning assigned to it by section 31AG;**]**

F3**[**"compliance officer" means a person designated as a compliance officer under section 31AD;**]**

F3**[**"Covid-19" has the meaning it has in section 31A;**]**

F1**[**F2**[**...**]**

F2**[**...**]]**

F3**[**"Digital Covid Certificate Regulation" means Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021[1] on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic;**]**

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;

F4**[**"dwelling event provision" shall be construed in accordance with subsection (6D) of section 31A;**]**

F3**[**"emergency cessation order" has the meaning assigned to it by section 31AF;**]**

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

F3**[**"EU Digital Covid Certificate" has the meaning it has in the Digital Covid Certificate Regulation;**]**

F4**[**"fixed penalty provision" shall be construed in accordance with subsection (6C) of section 31A;**]**

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;

F3**[**"indoor operator" means—

(*a*) in relation to a relevant indoor premises subject to a licence for the sale by retail of intoxicating liquor for consumption on or off the premises (whether granted on production or without production of a certificate of the Circuit Court or District Court), the holder of such a licence,

(*b*) in relation to a relevant indoor premises registered under the Registration of Clubs Acts 1904 to 2008, every person whose name is entered in the register of clubs as an official or member of its committee of management or governing body at the material time,

(*c*) in relation to a relevant indoor premises other than those referred to in paragraphs (a) and (b)—

(i) the occupier of the premises,

[1] OJ No. L 211, 15.06.2021, p. 1

(ii) the manager of the premises, or

(iii) any other person for the time being in charge of the premises;**]**

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

F5**[**(*b*) as respects a health authority which is the council of a county or a health authority established by the Health Authorities Act, 1960—the manager for the purposes of the County Management Acts, 1940 to 1955;**]**

the expression "medical officer of health" means a chief medical officer, an assistant county medical officer for a county, an assistant city medical officer for a county borough F6**[**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;

F1**[**F2**[**...**]]**

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;

F4**[**"penal provision" means a provision that is stated in regulations under section 31A to be a penal provision for the purposes of this Act;**]**

F3**[**"permitted person" means—

(*a*) a person in possession of a proof of immunity relating to that person,

(*b*) a person under the age of 18 years, or such other age under the age of 18 years as may be prescribed, (in this paragraph referred to as a "relevant minor") who accesses a relevant indoor premises—

(i) accompanied by his or her parent, guardian or a person acting in loco parentis, or

(ii) on such terms (including terms requiring the relevant minor to be accompanied by one or more other persons other than his or her parent or guardian or person acting in loco parentis) as may be prescribed,

(*c*) a person in or at a relevant indoor premises in a professional capacity, in the course of their employment, or in fulfilment of a contract for services, other than a class or classes of person, that the Minister may prescribe as being persons to whom this paragraph of this definition does not apply, or

(*d*) a person that stands, or a member of a class of persons that stand, prescribed by the Minister in regulations made under section 31AB(4);**]**

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

F3**[**"proof of immunity" means—

(*a*) an EU Digital Covid Certificate—

(i) issued under Article 6(1)(a) of the Digital Covid Certificate Regulation stating or verifying that the person has received a full dose of a vaccine approved for use in the European Union,

(ii) issued under Article 6(1)(c) of the Digital Covid Certificate Regulation, or

(iii) of a type prescribed by the Minister in regulations made under section 31AB(4),

(*b*) a document as may be prescribed, in written or electronic form, issued by a body implementing a vaccination programme (howsoever described) on behalf of a state (including the State) that administered or caused to be administered the vaccination to the person concerned, verifying, in relation to the person to whom the document is issued, that the person has received such vaccination, or combination of vaccinations, as may be prescribed, including—

(i) the medicinal product for active immunisation to prevent Covid-19 known as "COVID-19 Vaccine Moderna CX-024414",

(ii) the medicinal product for active immunisation to prevent Covid-19 known as "Vaxzevria (previously COVID-19 Vaccine AstraZeneca) ChAdOx1-SARS-COV-2" also known as "Covishield",

(iii) the medicinal product for active immunisation to prevent Covid-19 known as "Comirnaty BNT162b2", and

(iv) the medicinal product for active immunisation to prevent Covid-19 known as "COVID-19 Vaccine Janssen (Ad26. COV2-S [recombinant])", or

(*c*) any form of written information or proof verifying, in such manner as may be prescribed, in relation to the person to whom the document is issued, that the person has recovered from Covid-19;**]**

the expression "public conveyance" includes a conveyance available for private hire;

F3**[**"relevant body" means—

(*a*) the Health Service Executive,

(*b*) the Health and Safety Authority, and

(*c*) such other body as may be prescribed;**]**

F3**[**"relevant indoor premises" means an indoor premises (or, where a premises is partly indoors and partly outdoors, the indoor part of such premises), other than a premises prescribed in regulations under section 31AB(4)(e)(ii) as being a premises to which this definition does not apply—

(*a*) on or at which food or non-alcoholic beverages may be lawfully sold or supplied for consumption on such premises,

(*b*) where a business or service that, but for this Act or any regulations made under this Act, is permitted by law to sell or supply intoxicating liquor for consumption on the premises, is lawfully carried on or otherwise provided, or

(*c*) such other indoor premises, or class of indoor premises, that stands prescribed by the Minister in regulations under section 31AB(4);**]**

F1**[**F2**[**...**]]**

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, larvæ and pupæ of such insects, and the word "verminous" shall be construed accordingly;

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

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

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

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

Commencement.

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

Repeals.

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

Regulations.

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

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

(3) Where regulations under this Act require records to be kept in relation to the health of individuals, such provision shall be made therein as the Minister thinks necessary or proper for ensuring that the parts of such records containing the names

of such individuals shall be treated in a confidential manner and shall not be published save with the consent of such individuals.

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

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

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 270 of 1975under 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.

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.

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.

F8**[**Liability for offences by bodies corporate

9A. (1) Where an offence under this Act 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.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) 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.**]**

F9**[**Exercise of jurisdiction by District Court and Circuit Court under sections 31AB to 31AK

9B. (1) The jurisdiction of the District Court under sections 31AB to 31AK shall be exercised by a judge of the District Court for the time being assigned to the District Court district in which the relevant indoor premises are situate.

(2) The jurisdiction of the Circuit Court under sections 31AB to 31AK shall be exercised by a judge of the Circuit Court for the time being assigned to the circuit in which the relevant indoor premises are situate.**]**

F10**[**Service of documents

9C. (1) Subject to subsection (2) and other than in relation to Part VIII, a notice or other document that is required to be served on or given to a person by this Act shall be addressed to the person by name and may be so served on or given to the person in one of the following ways:

(*a*) by delivering it to the person;

(*b*) by leaving it at the address at which the person ordinarily resides or carries on business or, in a case in which an address for service has been given, at that address;

(*c*) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or carries on business or, in a case in which an address for service has been given, to that address;

(*d*) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice or document concerned of his or her consent to the notice or document (or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.

(2) A notice or other document that is required to be served on or given to an indoor operator by this Act shall, where the indoor operator concerned falls within the meaning of paragraph (b) of the definition of "indoor operator", be addressed to every person entered in the register of clubs as an official or member of its committee of management or governing body at the material time by name and may be so served or given by leaving the notice or other document at the address of the premises to which the certificate of registration under the Registration of Clubs Acts 1904 to 2008 applies as entered in that register.

(3) For the purpose of this Act, a company registered under the Companies Act 2014is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.**]**

PART II.

INSTITUTIONS.

Provision and maintenance of health institutions.

10.—F11**[**...**]**

Discontinuance of health institution.

11.—F12**[**...**]**

Agreement for use of institution.

12.—F13**[**...**]**

Joint user of certain institutions by health authority and public assistance authority.

13.—F14**[**...**]**

Transfer of district institution.

14.—F15**[**...**]**

Transfer of institution maintained by sanitary authority.

15.—F16**[**...**]**

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

16.—F17**[...]**

Charges for institutional services.

17.—F18**[...]**

Management of health institutions.

18.—F19**[...]**

Amendment of subsection (2) of section 6 of Tuberculosis (Establishment of Sanatoria) Act, 1945.

19.—F20**[...]**

Power to provide land for an institution.

20.—F21**[...]**

PART III.

MOTHER AND CHILD SERVICE.

Safeguarding of health of women as respects motherhood.

21.—F22**[...]**

Attendance to health of children not pupils of schools.

22.—F23**[...]**

Attendance to health of pupils of schools.

23.—F24**[...]**

Notice of medical inspection of children.

24.—F25**[...]**

Obligation to submit children to medical inspection.

25.—F26**[...]**

Affording of facilities for medical inspection of children at schools.

26.—F27**[...]**

Grant for mother and child service.

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.

Regulations as to exercise by health authorities of their powers under Part III.

28.—F29**[...]**

PART IV.

INFECTIOUS DISEASE AND INFESTATION.

CHAPTER I.

Infectious Disease.

Infectious diseases.

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

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

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

General duty to take precautions against infecting others with infectious disease.

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

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

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

Regulations for preventing the spread of infectious disease.

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

(2) Regulations under this section may provide for their enforcement and execution by officers of the Minister and by health authorities and their officers and may also—

(*a*) with the consent of the Minister for Local Government provide for their enforcement and execution by officers of sanitary authorities,

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

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

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

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

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

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

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

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

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

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

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

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

F30**[**(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.**]**

F31**[**Regulations for preventing, limiting, minimising or slowing spread of Covid-19

31A.—(1) The Minister may, having regard to the immediate, exceptional and manifest risk posed to human life and public health by the spread of Covid-19 and to the matters specified in subsection (2), make regulations for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19 (including the spread outside the State) or where otherwise necessary, to deal with public health risks arising from the spread of Covid-19 and, without prejudice to the generality of the foregoing, such regulations may, in particular, provide for all or any of the following:

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

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

(*c*) without prejudice to the generality of paragraph (b), restrictions to be imposed upon persons or classes of persons resident in, working in or

visiting locations referred to in paragraph (b) including (but not limited to)—

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

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

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

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

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

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

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

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

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

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

(*h*) without prejudice to the generality of the foregoing paragraphs, the safeguards required to be put in place by managers (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,

and

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

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

(*a*) shall consult any other Minister of the Government as he or she considers appropriate having regard to the functions of that other Minister of the Government, and

(*b*) may consult any other person as the Minister considers appropriate for the purposes of these regulations.

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

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

(6) A person who—

(*a*) F32**[**subject to section 31AB, 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.

F33**[**(6A) (*a*) Without prejudice to the generality of this section and of sections 95 and 96 but subject to paragraphs (b) and (c), the Minister may, in respect of a provision of a regulation made under subsection (1) that is stated to be a penal provision, prescribe such provision to be a relevant provision for the purposes of the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 and, where he or she does so, the provision so prescribed shall be enforceable under and in accordance with that Act.

(*b*) When prescribing a provision of a regulation for the purposes of this subsection, the Minister shall, in addition to the matters specified in subsection (2), have regard to—

(i) the risks with regard to the spread of Covid-19 associated with gatherings of persons and, in particular, where such gatherings are connected with the consumption of intoxicating liquor,

(ii) the need to take such additional protective measures as are practicable in order to mitigate those risks and to prevent, limit, minimise or slow the spread of Covid-19 in an effective manner,

(iii) the extent to which the additional enforcement measures provided for in the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 could assist in mitigating those risks and preventing, limiting, minimising or slowing the spread of Covid-19 in an effective manner, and

(iv) the need to take additional protective measures to assist and support the State's efforts to promote and maintain the normal functioning of society, to protect the gradual re-opening of society and, to the greatest extent possible, to avoid the imposition or re-imposition of restrictions thereon.

(*c*) Before prescribing regulations under this subsection, the Minister shall consult the Minister for Justice and Equality and any other Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government.

(6B) Subsection (6A) is in addition to and not in substitution for any powers of enforcement conferred on a member of the Garda Síochána by or under this section or any other provision of this Act, or any other enactment.**]**

F34**[**(6C) (*a*) The Minister may make regulations prescribing such one or more penal provisions as are specified in the regulations to be fixed penalty provisions.

(*b*) When prescribing a penal provision to be a fixed penalty provision, the Minister shall, in addition to the matters specified in subsection (2), have regard to—

(i) the nature of the act or omission of which the offence under the penal provision concerned consists,

(ii) the extent to which the prescribing of a penal provision as a fixed penalty provision would be of assistance in preventing, interrupting or otherwise retarding the spread of Covid-19, and

(iii) the utility of providing for such additional means of enforcement of penal provisions as part of the effort on the part of the State to—

(I) maintain, and enable the graduated restoration of, the normal functioning of society, or

(II) avoid the imposition of restrictions or further restrictions on society.

(*c*) The Minister may make regulations prescribing— (i) the form of a fixed payment notice, or (ii) the process to be followed by a member of the Garda Síochána when giving a person a fixed payment notice.

(*d*) The Minister shall, before prescribing a fixed penalty provision in regulations under this section, consult with the Minister for Justice and Equality.

(6D) (*a*) The Minister may make regulations prescribing such one or more penal provisions as are specified in the regulations to be dwelling event provisions.

(*b*) When prescribing a penal provision to be a dwelling event provision, the Minister shall, in addition to the matters specified in subsection (2), have regard to—

(i) the risks with regard to the spread of Covid-19 associated with gatherings of persons, particularly indoors or in confined spaces,

(ii) the nature of the act or omission of which the offence under the penal provision concerned consists,

(iii) the extent to which the prescribing of a penal provision to be a dwelling event provision would be of assistance in preventing, interrupting or otherwise retarding the spread of Covid-19, and

(iv) the utility of providing for such additional means of enforcement of penal provisions as part of the effort on the part of the State to—

(I) maintain, and enable the graduated restoration of, the normal functioning of society, or

(II) avoid the imposition of restrictions or further restrictions on society.

(*c*) The Minister shall, before prescribing a dwelling event provision in regulations under this section, consult with the Minister for Justice and Equality.

(6E) In proceedings for an offence under this section consisting of a contravention of a dwelling event provision, it shall be presumed, unless the contrary is proved, that the occupier of the dwelling in respect of which the offence is alleged to have been committed was the event organiser.**]**

F35**[**(6F) In any prosecution for an offence under this section in respect of which a person is seeking to rely on a defence of reasonable excuse, it shall be for the person, for that purpose, to adduce evidence of the existence of such reasonable excuse in respect of the offence concerned.**]**

(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).

F36**[**(12) F37**[**(*a*) Subject to paragraph (b), a person guilty of an offence under this section is liable on summary conviction—

(i) in the case of a first such offence, to a fine not exceeding €4,000 or imprisonment for a term not exceeding one month or both,

(ii) in the case of a second such offence, to a fine not exceeding €4,500 or imprisonment for a term not exceeding 3 months or both, and

(iii) in the case of a third or subsequent such offence, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both.**]**

(*b*) Notwithstanding subparagraph (i) or (ii) of paragraph (a), the court may, in respect of an offence to which either of those subparagraphs applies, impose a fine or term of imprisonment or both, to which a person guilty of an offence referred to in subparagraph (iii) of that paragraph would be liable, if the court considers that there were aggravating circumstances in relation to the commission of the first-mentioned offence that warrant the imposition of such fine or term of imprisonment or both.

(*c*) A court shall take account of the following matters when determining whether or not there existed aggravating circumstances in relation to the commission of an offence:

(i) in the case of an offence relating to the organisation of an event in contravention of a penal provision, the number of persons attending that event;

(ii) the degree of danger to public health that was occasioned by the commission of the offence;

(iii) the extent to which the person guilty of the offence concerned refused to comply with lawful requests or directions of a member of the Garda Síochána.**]**

(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) F38**[**...**]**

(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;

F39**[**"event organiser" means—

(*a*) in relation to an event in a dwelling, a person who arranges, organises or manages the event, or otherwise causes or permits the event to take place, and

(*b*) in relation to an event in a place other than a dwelling, any person who—

(i) engages in the publicising, arranging, organising or managing of the event, or

(ii) receives some or all of the proceeds (if any), from the event;**]**

F40**[**"licence" means, in relation to a dwelling, a licence given to a person by the owner of the dwelling permitting the person to enter and reside in the dwelling (whether or not for valuable consideration);

"occupier" means, in relation to a dwelling—

(*a*) a person who—

(i) resides in the dwelling, and

(ii) is the owner of the dwelling, or

(*b*) a person who resides in the dwelling pursuant to a licence (except where the owner of the dwelling also resides therein);

"owner" means, in relation to a dwelling, any person (other than a mortgagee not in possession) who has an estate or interest in the dwelling;**]**

"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, F37**[**sections 31B, 38A, 38B, 38C, 38D, 38E, 38F and 38G**]**—

"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;

"European Centre for Disease Prevention and Control" means the Agency established under the provisions of Regulation (EC) No. 851/2004[1] of the European Parliament

[1] O.J. No. L 142/1 of 30.04.2004, p. 1.

and of the Council of 21 April 2004 establishing a European centre for disease prevention and control.**]**

F41**[**Confirmation of certain provision of regulation under section 31A(1) as fixed penalty provision

31AA.—(1) Regulation 4A (1) (inserted by Regulation 5 of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 10) (Amendment) (No. 2) Regulations 2021 (S.I. No. 29 of 2021)) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 10) Regulations 2020 (S.I. No. 701 of 2020) shall be deemed to have been, for the duration of the relevant period, prescribed, in accordance with section 31A(6C), to be a fixed penalty provision.

(2) A fixed payment notice given, during the relevant period, under section 31C to a person in respect of an alleged offence consisting of a contravention of the provision referred to in subsection (1) shall be deemed to be, and always to have been, valid.

(3) In this section, "relevant period" means the period beginning on the coming into operation of the provision referred to in subsection (1) and ending on the coming into operation of the Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) (Amendment) (No. 2) Regulations 2021 (S.I. No. 62 of 2021).**]**

F42**[**Disapplication of certain provisions in respect of certain premises so as to enable those premises to grant access to members of the public under certain conditions

31AB.—(1) Without prejudice to the generality of section 31A, and any regulations made from time to time thereunder requiring an indoor operator to ensure that persons (or such class of persons as may be prescribed in such regulations) are not permitted, or otherwise granted, access to a relevant indoor premises, it shall be lawful, subject to subsection (2), for an indoor operator to permit or otherwise grant access to such premises provided that the indoor operator—

(*a*) complies with the conditions in subsection (3), and

(*b*) would, but for the aforesaid regulations, be permitted in accordance with law to permit or otherwise grant access to such premises.

(2) It shall not be lawful for an indoor operator to permit, or otherwise grant, access to persons or such class of persons as may be prescribed in regulations referred to in subsection (1) during any period of time prescribed in regulations under section 31A during which access is prohibited.

(3) The conditions referred to in subsection (1) are as follows, namely:

(*a*) that the indoor operator has taken reasonable steps (including by inspecting such documents, if any, as may be prescribed in regulations under subsection (4)) to ensure that a person other than a permitted person is not admitted to a relevant indoor premises;

(*b*) that the indoor operator does not knowingly permit a person other than a permitted person to access a relevant indoor premises;

(*c*) that personal data accessed by an indoor operator for the purposes of paragraph (a) is not retained by that person;

(*d*) that without prejudice to the requirement to adhere generally to such guidelines as are for the time being in place with respect to an indoor premises, the indoor operator adheres to such guidelines set out by certain bodies (or specific parts of such guidelines) as are prescribed by the Minister under subsection (4)(h);

(*e*) that the indoor operator complies with such additional conditions as may be prescribed under subsection (4)(f).

(4) Without prejudice to the generality of section 31A(1), the Minister may make regulations giving full effect to this section, and, without prejudice to the generality of the foregoing, such regulations may, in particular, provide for all or any of the following:

(*a*) the safeguards required to be put in place by the owners, occupiers, managers, licence holders of, or other persons (howsoever described) in

charge of relevant indoor premises, including by reference to persons, or classes of persons, being permitted different levels of access to such premises on the basis of different levels of immunity or resistance to, or vaccination or inoculation against, Covid-19;

(*b*) without prejudice to the generality of sections 31AC to 31AK, particularising or specifying further matters relating to the operation and enforcement, as the case may be, of any matters referred to in subsection (3);

(*c*) prescribing additional classes of persons as permitted persons for the purposes of the definition of "permitted person" which may, if appropriate, include persons who have received the results of medical tests the purpose of which is to detect the presence of Covid-19, or the virus SARS-CoV-2, in the person to whom the test was administered;

(*d*) prescribing types or categories of information or proof, or classes of such information or proof, (including electronic documentation, one or more classes of EU Digital Covid Certificates, and vaccines or combinations of vaccines) for the purposes of—

(i) the definition of "proof of immunity", and

(ii) allowing an indoor operator to ascertain whether or not a person is a permitted person;

(*e*) prescribing an indoor premises, or a class of such premises—

(i) as a relevant indoor premises for the purposes of paragraph (c) of the definition of "relevant indoor premises", or

(ii) as a premises to which the definition of "relevant indoor premises" does not apply;

(*f*) prescribing additional conditions for the purposes of subsection (3)(e), including different conditions in respect of one or more classes of premises;

(*g*) without prejudice to the generality of sections 31AD to 31AK, prescribing—

(i) additional bodies for the purpose of paragraph (c) of the definition of "relevant body", and the manner in which relevant bodies or compliance officers designated by a relevant body may carry out inspections of relevant indoor premises,

(ii) the manner in which relevant bodies or compliance officers may inspect and verify proof of immunity or proof that a person is a permitted person, for the purposes of investigating or monitoring compliance with the conditions referred to in subsection (3), and

(iii) that a breach of any regulation relating to—

(I) the inspection of relevant indoor premises,

(II) the verification of proofs for any purpose under this section or sections 31AC to 31AK, or

(III) the enforcement of obligations in this section or sections 31AC to 31AK, may be stated to be an offence in the regulation concerned and a person guilty of such an offence shall be liable on summary conviction to a class C fine;

(*h*) prescribing guidelines set out by certain bodies (or specific parts of such guidelines) to which indoor operators are required to adhere for the purposes of the condition referred to in subsection (3)(d);

(*i*) prescribing a class or classes of persons, as persons to whom, despite being in or at a relevant indoor premises in a professional capacity, in the course of their employment, or in fulfilment of a contract for services, paragraph (c) of the definition of "permitted person" does not apply;

(*j*) prescribing an age under the age of 18 years for the purposes of "relevant minor" within the meaning of paragraph (b) of the definition of "permitted person";

(*k*) prescribing a person other than a parent or guardian or person acting in loco parentis, in relation to a relevant minor, who may accompany such minor to a relevant indoor premises for the purposes of paragraph (b) of the definition of "permitted person";

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

(5) When making regulations under subsection (4), the Minister—

(*a*) shall have regard to the matters referred to in paragraph (a) of section 31A(2),

(*b*) may have regard to the matters referred to in paragraph (b) of section 31A(2), and

(*c*) may consult—

(i) any other Minister of the Government as he or she considers appropriate having regard to the functions of that other Minister of the Government,

(ii) a relevant body, and

(iii) a body referred to in paragraph (h) of subsection (4).**]**

F43**[**Matters relating to documents provided for purposes of section 31AB

31AC.—(1) An indoor operator may, for the purposes of complying with conditions referred to in *section 31AB(3)*, request that a person seeking entry to a relevant indoor premises make available for inspection to him or her evidence that the person is a permitted person.

(2) A person shall be guilty of an offence where he or she provides a document in response to the request of an indoor operator under subsection (1) that, to the person's knowledge—

(*a*) has been forged or fraudulently altered, or

(*b*) relates to a person other than the person providing the document.

(3) A person who is guilty of an offence under subsection (2) shall be liable on summary conviction to a class C fine.**]**

F44**[**Compliance officers

31AD.—(1) A relevant body may, in writing, designate one or more persons who may carry out the functions of a compliance officer under this section and under sections 31AE to 31AK.

(2) A compliance officer shall, when carrying out his or her functions under this section and under sections 31AE to 31AK, retain in his or her possession the written designation referred to in subsection (1) and may produce such designation on request and for inspection by such person as he or she sees fit.

(3) The Minister may prescribe additional powers and functions that a compliance officer may exercise and carry out, respectively, for the purpose of giving effect to this section and sections 31AE to 31AK.**]**

F45**[**Entry, inspection, etc., of relevant indoor premises

31AE.—(1) A compliance officer may enter a relevant indoor premises without warrant at any time and there make such inspection, examination, observation and enquiry as he or she thinks proper in order to assess whether an indoor operator has complied with the conditions referred to in section 31AB(3).

(2) Where, having made an inspection, examination, observation and enquiry under subsection (1), a compliance officer forms the view that an indoor operator has, without complying with the conditions referred to in section 31AB(3), permitted,

or otherwise granted, persons access to a relevant indoor premises in contravention of regulations made under section 31A, the compliance officer shall—

(*a*) inform the indoor operator of the fact that he or she has formed such a view,

(*b*) direct the indoor operator to take such steps as the compliance officer considers appropriate in order to comply with such conditions, and

(*c*) inform the indoor operator that failure to comply with such a direction may result in the compliance officer informing a member of the Garda Síochána of that fact or bringing an application to the District Court in accordance with sections 31AF or 31AH or issuing a compliance notice in accordance with section 31AG.

(3) Where an indoor operator fails to comply with a direction under *subsection (2)*, the compliance officer who issued the direction may, as he or she sees fit—

(*a*) inform a member of the Garda Síochána of that fact,

(*b*) bring an application to the District Court under sections 31AF or 31AH, or

(*c*) issue a compliance notice under section 31AG.

(4) A person who—

(*a*) prevents or attempts to prevent a compliance officer from exercising the power conferred by *subsection (1)*, or

(*b*) obstructs or attempts to obstruct any such officer in the exercise of that power,

is guilty of an offence and is liable on summary conviction to a class C fine.**]**

F46**[**Application for emergency cessation order

31AF.—(1) A compliance officer may apply ex parte to the District Court, at the next available sitting of that court, for an order (in this Act referred to as a "emergency cessation order") for the temporary restriction of access by members of the public to a relevant indoor premises, for a period not exceeding 72 hours, where—

(*a*) one, or more than one, indoor operator fails or refuses to comply with a direction under section 31AE(2), and

(*b*) in light of such failure or refusal, the compliance officer is of the opinion that such failure or refusal is continuing or is likely to recur.

(2) An application under subsection (1) shall be made on the sworn information of the compliance officer concerned and shall state the basis on which the application is made.

(3) The District Court may, in any case where it considers it appropriate to do so, adjourn the hearing of an application made under subsection (1) and direct that the indoor operator be notified of the date of the adjourned hearing and served with a copy of the sworn information referred to in subsection (2).

(4) The District Court may make an emergency cessation order directing an indoor operator, notwithstanding section 31AB, not to permit, or otherwise grant, persons access to a relevant indoor premises where the court is satisfied that, in relation to a particular relevant indoor premises—

(*a*) there has been a failure or refusal by an indoor operator to comply with a direction given under section 31AE(2),

(*b*) such failure or refusal is continuing or is likely to recur, and

(*c*) the making of the order is appropriate in the circumstances.

(5) An emergency cessation order—

(*a*) shall specify the ground or grounds for making the order, and

(*b*) shall specify the date on which, and the time on that date from which, the order is to take effect.

(6) Where an application is heard ex parte, a compliance officer shall notify the indoor operator concerned forthwith of the making of an emergency cessation order and shall, at the same time, provide a copy of the sworn information referred to in subsection (2) to the indoor operator.

(7) Subject to subsection (8), where an emergency cessation order has been made ex parte, the indoor operator may apply to the District Court to have the order discharged.

(8) An application under subsection (7) may only be made where the indoor operator has notified in writing the relevant body by which the compliance officer was appointed of the making of the application not less than 6 hours prior to the sitting of the District Court at which the application is to be made.

(9) The District Court shall, on application to it under subsection (7), discharge the order where the indoor operator proves to the satisfaction of the court that any directions given by a compliance officer to a person in respect of the relevant indoor premises have been and continue to be complied with.

(10) The District Court may, on application to it under subsection (7), discharge an emergency cessation order where—

(*a*) the indoor operator gives an undertaking to the court that the conditions in section 31AB(3) will be complied with in respect of the relevant indoor premises, and

(*b*) the court is satisfied that the discharge of the order is appropriate in the circumstances.

(11) This section applies whether or not a compliance notice has been issued in respect of the relevant premises concerned.**]**

F47**[**Compliance notice

31AG.—(1) A compliance officer may, where an indoor operator fails or refuses to comply with a direction given in respect of a relevant premises under section 31AE(2), but no emergency cessation order was made in respect of such failure or refusal, issue a notice (in this Act referred to as a "compliance notice") in writing to the indoor operator setting out the matters specified in subsection (3).

(2) A compliance notice shall be issued within 5 days from the giving of the direction concerned.

(3) A compliance notice shall—

(*a*) identify the conditions under section 31AB(3) that have not been or are not being complied with in respect of the relevant indoor premises,

(*b*) state the grounds upon which any direction, given to an indoor operator in respect of the premises prior to the issuing of the notice, was made,

(*c*) require the indoor operator to comply with any such direction forthwith and to comply with the conditions referred to in section 31AB(3), and

(*d*) inform the indoor operator that the compliance officer may apply to the District Court for a cessation order under section 31AH.

(4) A compliance notice shall take effect immediately upon service on the indoor operator.

(5) An indoor operator may appeal a compliance notice under section 31AJ but the lodging of an appeal shall not, pending the outcome of the appeal, affect the operation of the notice.**]**

F48[Application for cessation order

31AH.—(1) A compliance officer may apply to the District Court for an order (in this Act referred to as a "cessation order") for the restriction of access by members of the public to a relevant indoor premises where he or she is of the opinion that—

(*a*) there has been a failure to comply with a compliance notice, and

(*b*) such failure to comply is continuing or is likely to recur.

(2) An application under subsection (1) shall be made on not less than 5 days' notice to the indoor operator.

(3) Notwithstanding anything contained in the rules of court, not less than 7 days' notice of an application under subsection (1) shall be given to the District Court.

(4) The District Court shall give such priority to an application under subsection (1) as is necessary in the circumstances and may give such directions with regard to the hearing of the application as it considers appropriate in the circumstances.

(5) Upon the hearing of an application under subsection (1), the District Court may make a cessation order where the court is satisfied that—

(*a*) there has been a failure by an indoor operator to comply with a compliance notice in respect of a relevant premises,

(*b*) that failure is continuing or is likely to recur in respect of the relevant indoor premises concerned, and

(*c*) the making of the order is appropriate in the circumstances.

(6) In determining whether to make a cessation order under this section, the District Court may take into account the conduct of an indoor operator regarding the operation of the relevant indoor premises in response to any direction, emergency cessation order or compliance notice in respect of the relevant indoor premises.

(7) Subject to subsection (8), a cessation order shall have the effect of requiring a relevant indoor operator, notwithstanding section 31AB, not to permit, or otherwise grant, persons access to a relevant indoor premises for such period—

(*a*) not exceeding 7 days in the case of the first such order made in respect of that premises, and

(*b*) not exceeding 30 days in the case of the second or subsequent such order made in respect of that premises.

(8) The District Court may, if it considers it appropriate to do so, having regard to any mitigating circumstances and any undertaking given to the court in relation to future compliance with the conditions in section 31AB(3), suspend, for such period as it considers appropriate, the operation of the order.

(9) During any period that the operation of a cessation order stands suspended in accordance with subsection (8), a compliance officer may, on notice to the indoor operator, make an application to the District Court to revoke the suspension where he or she is of the opinion that—

(*a*) an undertaking, given in accordance with that subsection, is not being complied with, or

(*b*) there has been a change in the mitigating circumstances referred to in that subsection and some or all of those circumstances no longer apply.

(10) The District Court shall, where it is satisfied that either of the matters set out in paragraph (a) or (b) of subsection (9) apply, revoke the suspension unless the court considers it would be unjust in all the circumstances to do so.

(11) A compliance officer shall notify the indoor operator concerned of the making of a cessation order but, if the indoor operator or a legal representative (being a practising barrister, practising solicitor, or both (within the meaning of the Legal Services Regulation Act 2015)) of the indoor operator is present at the sitting of

the District Court at which that order is made, the indoor operator shall be taken to have been notified of its making for the purposes of this subsection.**]**

F49**[**Applicable provisions in relation to certain orders

31AI.—(1) While access to a relevant indoor premises or any part thereof is restricted in accordance with a cessation order or an emergency cessation order, the indoor operator concerned shall affix to the exterior of the premises, in a conspicuous place, a notice specifying the period of such restriction, whether the order applies to the whole or a part of the premises and stating that the restriction is in compliance with the order concerned.

(2) A person who fails to affix a notice in accordance with subsection (1) is guilty of an offence and is liable on summary conviction to a class C fine.

(3) A person who permits a relevant indoor premises to be open for business in contravention of a cessation order or an emergency cessation order is guilty of an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months, or both.**]**

F50**[**Appeal against compliance notice

31AJ.—(1) A person aggrieved by a compliance notice may appeal against the notice to the District Court.

(2) An appeal under subsection (1) shall be made not later than 7 days from the date on which the compliance notice was served.

(3) The District Court shall give such priority to an appeal under subsection (1) as is necessary in the circumstances and may give such directions with regard to the hearing of the application as it considers appropriate in the circumstances.

(4) On the hearing of an appeal under subsection (1), the District Court may confirm, vary or revoke the compliance notice.

(5) A decision of the District Court under this section may be appealed to the Circuit Court and the Circuit Court may, on the hearing of the appeal, confirm, vary or revoke the compliance order.**]**

F51**[**Appeal against order

31AK.—(1) An appeal to the Circuit Court against a cessation order shall not have the effect of suspending the operation of the order unless the Circuit Court, on application made to it by the appellant, suspends the operation of the order pending the determination of the appeal.

(2) The Circuit Court shall give such priority to an appeal referred to in subsection (1) or an application under that subsection as is necessary in the circumstances and may give such directions with regard to the hearing of the appeal or the application as it considers appropriate in the circumstances.

(3) On the hearing of the appeal, the Circuit Court may—

(*a*) affirm, revoke or vary the cessation order concerned, and

(*b*) make such other order (if any) in relation to the relevant indoor premises as it considers appropriate.**]**

F52**[**Data Protection

31AL.—(1) Personal data contained in a proof of immunity shall be processed only for the purpose of accessing and verifying the information included in such proof of immunity in connection with the admittance of permitted persons to relevant indoor premises.

(2) For the purpose of section 31AB, an indoor operator may process personal data contained in a proof of immunity only for the purpose of accessing and verifying the information contained in the proof of immunity for the purposes of complying with that section.

(3) Personal data processed by an indoor operator for the purposes of this section shall not be retained by an indoor operator for any longer than is strictly required for the purposes of complying with a condition referred to in section 31AB(3).

(4) In this section—

"General Data Protection Regulation" has the meaning it has in section 38K;

"personal data" has the meaning it has in section 38K;

"processing" has the meaning it has in section 38K.**]**

F41**[**Affected areas orders

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

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

F54**[**Fixed payment notice in respect of certain alleged offences

31C.—(1) Where a member of the Garda Síochána has reasonable grounds for believing that a person has committed an offence consisting of a contravention of a fixed penalty provision, that member may give to the person a notice in writing (in this section referred to as a "fixed payment notice") in the prescribed form stating—

(*a*) that the person is alleged to have committed that offence,

(*b*) particulars of that alleged offence,

(*c*) that the person may, during the period of 28 days beginning on the date of the notice, make to such person as is specified in the notice at such place as is so specified a payment of such amount as may be prescribed being an amount of not more than F55**[**€2,000**]**, accompanied by the notice,

(*d*) that the person is not obliged to make the payment specified in the notice, and

(*e*) that a prosecution of the person to whom the notice is given in respect of the alleged offence will not be instituted during the period of 28 days beginning on the date of the notice and, that if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) Where a fixed payment notice is given under subsection (1)—

(*a*) the person to whom it applies may, during the period of 28 days beginning on the date of the notice, make to such person, and at such place, as is specified in the notice the payment specified in the notice, accompanied by the notice,

(*b*) the person specified in the notice may, upon receipt of the payment, issue a receipt for it and any payment so received shall not be recoverable by the person who made it, and

(*c*) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In proceedings for an offence consisting of a contravention of a penal provision it shall be a defence for the defendant to prove that he or she made a payment, in accordance with this section, pursuant to a fixed payment notice issued in respect of that offence.

(4) Moneys received pursuant to the giving of a fixed payment notice shall be paid into or disposed of for the benefit of the Exchequer.

(5) A fixed payment notice may be given to a person in one of the following ways:

(*a*) by giving it in person to the person;

(*b*) by sending it by post to the address at which the person ordinarily resides.

(6) For the purpose of this section, a company within the meaning of the Companies Act 2014 shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.**]**

F56**[**Power of member of Garda Síochána to give direction

31D.—(1) Without prejudice to the generality of subsection (7) of section 31A, where a member of the Garda Síochána finds a person in a public place and suspects, with reasonable cause, that such person—

(*a*) intends to enter a dwelling for the purpose of attending an event organised in contravention of a dwelling event provision,

(*b*) is about to enter a dwelling for that purpose, or

(*c*) is attempting to enter a dwelling for that purpose,

the member may direct the person to leave immediately that place and the vicinity thereof in a peaceable and orderly manner.

(2) Without prejudice to the generality of subsection (7) of section 31A, where a member of the Garda Síochána suspects, with reasonable cause, that an event in contravention of a dwelling event provision is taking place, he or she may direct the occupier to require and cause all persons attending the event (other than persons for the time being residing in the dwelling) to leave immediately the dwelling and the vicinity of the dwelling in a peaceable and orderly manner.

(3) A member of the Garda Síochána may, for the purposes of the giving of a direction—

(*a*) attend at the main entrance of a dwelling, and

(*b*) require the occupier to provide the member with his or her name.

(4) It shall be an offence for any person, without reasonable excuse, to fail to comply with a direction given by a member of the Garda Síochána under this section.

(5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding F57**[**€4,000**]** or imprisonment for a term not exceeding one month or both.**]**

Exemption from requirement to submit to measures in relation to protection or immunisation against infectious disease.

32.—(1) (*a*) Where—

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

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

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

(*b*) The Minister may by order declare that—

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

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

(2) (*a*) Where—

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

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

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

(*b*) The Minister may by order declare that—

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

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

Selling or letting dwelling after infection.

33.—Where—

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

(*b*) he did not before selling or letting the dwelling give in the prescribed manner an infected premises notice to the F58**[**medical officer of health for the area**]** in which the dwelling is situated,

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

Cesser of occupation of dwelling after infection.

34.—Where—

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

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

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

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

Question as to infection in dwelling.

35.—Where—

(*a*) a person either—

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

(ii) has ceased during the preceding three months to occupy a dwelling, 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.

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 F59**[**medical officer of health for the area**]** for the district in which the premises are situated,

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

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

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

37.—(1) At any time not more than seven days after the receipt from any person (in this section referred to as the owner) by a F60**[**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 F60**[**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 F60**[**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.

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 and to the appropriate person,

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

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

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

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

(*j*) on receipt of an appeal under paragraph (*h*) of this subsection, the Minister shall give notice in writing of the date on which such appeal was received

by him to the person making the appeal and to the person in charge of such hospital or other place,

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

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

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

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

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

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

(*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.

F61[Detention and isolation of persons in certain circumstances

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

(a) a person is a potential source of infection, and

(b) the person is a potential risk to public health, and

(c) his or her detention and isolation is appropriate in order to—

(i) prevent, limit, minimise or slow the spread of Covid-19, and

(ii) minimise the risk to human life and public health,

and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) In this section—

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

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

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

(ii) suffering from Covid-19;

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

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

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

(c) a person who has travelled from, or been in contact with a person or persons who has or have travelled from a place outside the State that the medical

officer of health believes in good faith to have a significant number of cases of persons infected with Covid-19;

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

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

F62**[**Obligation on certain persons coming into State to quarantine in designated facilities in certain circumstances.

38B.—F63**[**...**]]**

F64**[**Return of applicable traveller to designated facility.

38C.—F65**[**...**]]**

F66**[**Offences related to quarantine and power to give direction.

38D.—F67**[**...**]]**

F68**[**Designated state.

38E.—F69**[**...**]]**

F70**[**Designated facilities.

38F.—F71**[**...**]]**

F72**[**Regulations for giving further effect to certain matters relating to the requirement to quarantine.

38G.—F73**[**...**]]**

F74**[**Service agreements for conveying and returning persons to designated facilities.

38H.—F75**[**...**]]**

F76**[**Service agreements for accommodation and maintenance for purposes of quarantine.

38I.—F77**[**...**]]**

F78**[**Requirements in relation to maintaining records for the purposes of *section 38B*.

38J.—F79**[**...**]]**

F80[Data Protection.

38K.—F81[...]]

F82[Arrangements with other Ministers of Government to carry out certain functions under Act.

38L.—F83[...]]

F84[Obligations on travel organisers.

38M.—F85[...]]

F86[Obligation on certain persons coming into State to quarantine in designated facilities in certain circumstances

38N.— ...]

F87[Return of applicable traveller to designated facility

38O.— ...]

F88[Offences related to quarantine and power to give direction

38P.— ...]

F89[Designated state

38Q.— ...]

F90[Designated facilities

38R.— ...]

F91[Regulations for giving further effect to certain matters relating to requirement to quarantine

38S.—...]

F92[Service agreements for conveying and returning persons to designated facilities

38T.— ...]

F93[Service agreements for accommodation and maintenance for purposes of quarantine

38U.— ...]

F94[Requirements in relation to maintaining records for the purposes of section 38N

38V.— ...]

F95[Data Protection

38W.— ...]

F96[Arrangements with other Ministers of Government to carry out certain functions under Act

38X.— ...]

F97[Obligations on travel organisers

38Y.— ...]

F98[Authorisations and permissions for purposes of section 38N

38Z.— ...]

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

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

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

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

Accommodation for persons compelled to leave their homes.

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

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

Rehabilitation of persons suffering or recovering from infectious disease.

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

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

Nurses for infectious diseases.

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

(2) F100**[**F101**[**...**]]** F102**[**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.

F103**[**(2A) F101**[**...**]]**

(3) A charge under F100**[**F101**[**...**]]** F102**[**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.—F106**[**...**]**

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.

CHAPTER II.

Verminous persons and articles.

Precautions to be taken by verminous persons.

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.

Precautions to be taken in relation to verminous articles.

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

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

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

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

Prohibition of verminous child attending school.

48.—(1) Where a F107**[**medical officer of health**]** becomes aware that a child residing in F107**[**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 F107**[**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 disinfestation of persons.

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

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

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

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

(*a*) a verminous adult person on his application;

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

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

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

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

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

CHAPTER III.

Ancillary Provisions.

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.

Prosecution of offences under Part IV.

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

(2) Any proceedings for an offence under this Part of this Act may, notwithstanding any enactment limiting the time within which such proceedings may be brought, be brought either within the time as so limited or within three months from the date on which evidence sufficient in the opinion of the Minister to justify a prosecution for the offence comes to the knowledge of the health authority by which the offence may be prosecuted.

(3) For the purposes of subsection (2) of this section the Minister may certify the date at which the evidence mentioned in the said subsection came to the knowledge of a health authority, and such certificate shall be conclusive evidence of the said date.

PART V.

FOOD AND DRINK.

Definition for Part V.

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

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

(*b*) flavouring matters, preservatives and condiments,

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

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

F108[Regulations for prevention of danger from food and drink.

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

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

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

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

(i) articles of food intended for human consumption,

(ii) living animals intended for such food,

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

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

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

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

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

(3) A person who has gained access to information by virtue of inspections made in the enforcement of regulations made under this section shall not disclose such 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—

"persons operating in the retail, restaurant or catering sectors" includes food business operators within the meaning of Article 3 of the European Parliament and Council Regulation (EC) No. 178/2002 of 28 January 2002 [13];

"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.**]**

Licensing and registration of persons and premises.

55.—F109**[**...**]**

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

[13] OJ L31, 01.02.2002, p.1

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, substance, quality or condition (as the case may be) of the samples of the food submitted for examination by the proprietor of such article as stated in the relevant certificate issued to him under a regulation made pursuant to paragraph (*b*) of this subsection.

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

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

Giving and taking of samples, etc.

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

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

(*b*) provide for the carrying out of tests, examinations and analyses of such samples,

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

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

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

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

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

as evidence that such test was carried out under and in accordance with the regulations.

Enforcement of regulations under Part V, etc.

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

(*a*) the enforcement and execution of the regulations by

(i) officers of the Minister,

(ii) health authorities,

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

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

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

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

(i) articles of food intended for human consumption,

(ii) living animals intended for such food, or

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

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

(*c*) the keeping of records by persons engaged in the manufacture, preparation, importation, storage, distribution or sale of food and the production of such records for inspection by officers concerned in the enforcement or execution of the regulations.

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 F110**[**one thousand pounds**]** and, in the case of a continuing offence, to a further fine not exceeding F110**[**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.

Restrictions on sale, etc., of food by dealers in rags, etc.

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.

Prosecutions for offences under Part V.

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

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

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

(*c*) where—

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

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

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

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

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

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

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

(iii) that he sold such food in the same state as when he purchased it,

such defendant shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he gave due notice to the prosecutor that he proposed to rely on the said defence.

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

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

Food kept in certain establishments.

64.—(1) The Minister may by regulations specify the class or classes of establishments 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 F111**[**, home within the meaning of the Health (Homes for Incapacitated Persons) Act, 1964**]** or similar establishment,

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

PART VI.

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

Control of advertisement or sale of medical and toilet preparations.

65.—F112**[**...**]**

Restriction on importation, manufacture or sale of certain articles.

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

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

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

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

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

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

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

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

(6) A person who contravenes subsection (4) or (5) of this section or who, having been granted and having availed of a permit under subsection (3) of this section, does not comply with a condition attached to the permit, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a

fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment and, in every case, to forfeiture of the restricted article in relation to which the offence was committed.

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

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

(9) An offence under this section may be prosecuted by the Minister F113**[**or by the health authority in whose functional area the offence is committed.**]**

Regulations as to flock.

67.—F114**[**...**]**

PART VII.

Officers of Health Authorities.

Definitions for Part VII.

68.—F115**[**...**]**

County medical officers.

69.—F116**[**...**]**

Assistant county medical officers.

70.—F117**[**...**]**

City medical officers.

71.—F118**[**...**]**

Assistant city medical officers.

72.—F119**[**...**]**

District medical officers of health.

73.—F120**[**...**]**

Bacteriologists.

74.—F121**[**...**]**

Health inspectors.

75.—F122**[**...**]**

Provisions relating to holders of certain offices under sanitary authorities.

76.—F123**[**...**]**

PART VIII.

Acquisition and Disposal of Land by Health Authorities.

Definitions for purposes of Part VIII.

77.—In this Part of this Act—

the word "land" includes water and any estate or interest in land or water and any easement or right in, to, or over land or water;

the expression "compulsory acquisition order" means an order under this Part of this Act for the acquisition compulsorily of land.

Powers of health authority to acquire land.

78.—F124**[**(1) The Health Service Executive may acquire land either—

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

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

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

Incorporation of Lands Clauses Acts.

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

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

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

(*c*) in the construction of the Second Schedule to the Housing of the Working Classes Act, 1890, when so incorporated—

the expression "local authority" shall mean a health authority;

the expression "confirming Act" shall mean this Part of this Act and the compulsory acquisition order as made and confirmed under this Part of this Act;

the expression "confirming authority" shall mean the Minister; and

references to the Housing of the Working Classes Act, 1890, or to Part I thereof shall be construed as references to this Act;

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

Power of health authority to inspect land.

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 continued.

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.

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 to the Minister, in a specified manner and within a specified time, an objection to the order.

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

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.

Annulment of compulsory acquisition order by the High Court.

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.

Commencement of compulsory acquisition order.

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.

Annuity or other payment to Irish Land Commission or Commissioners of Public Works in Ireland.

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

Appropriation of surplus land to other purposes.

F125**[88.** A health board may, subject to any general directions given by the Minister with the consent of the Minister for Finance, appropriate and use for the purpose of any of its powers and duties any land vested for any purpose in it and not required for the purpose for which it was acquired.**]**

Disposal of surplus land.

89.—F126**[**(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.**]**

F127**[**(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) F128**[**...**]**

Giving of notices under Part VIII.

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

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

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

(i) by handing it to such person, or

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

(iii) by sending it by post in a prepaid registered envelope addressed to such person, in the case of an individual, at his usual or last-known place of abode, or in the case of a company registered under the Companies

Acts, 1908 to 1924, at its registered office, or in the case of any other body corporate or any unincorporated association, at its principal office or place of business.

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

PART IX.

ENFORCEMENT OF THE ACT.

Authorised officers.

91.—Each of the following persons shall be an authorised officer for the purpose of this Part of this Act:—

(*a*) an officer of the Minister appointed in writing by the Minister to be an authorised officer for the purposes of this Part of this Act,

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

(*c*) the manager of a health authority,

(*d*) a chief medical officer,

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

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

Limitations on exercise of powers of authorised officers.

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

Requirement to state name and address.

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

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

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

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

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

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

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

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

(4) A person who—

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

(*b*) gives in purported compliance with a requirement under this section a name, an address or corroborative evidence which is false or misleading, or

(*c*) resists being detained under this section or being brought under this section to a Garda Síochána station,

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

Entry on premises.

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

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

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

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

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

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

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

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

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

Assistance from member of Garda Síochána.

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

and is lawful, and any member of the Garda Síochána so required shall comply with the requirement.

Enforcement by Garda Síochána.

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

(2) An order under this section may, in particular, provide for all or any of the following matters:—

(*a*) the prosecution of offences by members of the Garda Síochána in lieu of a health authority,

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

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

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

(3) A member of the Garda Síochána, for the purpose of enforceing 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.—F129**[**...**]**

(2) F129**[**...**]**

(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 F130**[**...**]** 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.

F131**[**(7) Not less than half of the persons who are appointed to be members of the National Health Council shall be appointed by the Minister on nominations of bodies which, in the opinion of the Minister, are representative of the medical and ancillary professions (including particular branches thereof) and of persons concerned with the management of voluntary hospitals.

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

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

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

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

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

(13) The National Health Council shall meet—

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

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

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

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

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

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

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

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

Dissemination of information and advice on health.

99.—F132**[**...**]**

Tests of the quality and nature of substances.

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

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

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

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

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

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

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

Joint action by health authorities.

101.—F133**[**...**]**

Home nursing.

102.—F134**[**...**]**

Borrowing by health authority.

103.—F135**[**...**]**

Provision of ambulances.

104.—F136**[**...**]**

Provision of residences for officers and servants.

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

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

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

Dissolution of Port Sanitary Authorities.

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

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

(*a*) the transfer of property, rights and liabilities of the port sanitary authority to a health authority,

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

(*c*) the continuance of pending legal proceedings,

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

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

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

Compensation for damage to person or property.

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

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

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

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

Adaptation of enactments.

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

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

Section 4.

FIRST SCHEDULE.

Enactments Repealed.

Session and Chapter or Number and Year.	Short Title	Extent of Repeal
21 & 22 Vic., c. 64.	Vaccination (Ireland) Act, 1858.	The whole Act.
26 & 27 Vic., c. 52.	Vaccination (Ireland) Act, 1863.	The whole Act.
31 & 32 Vic., c. 87.	Vaccination Amendment Ireland) Act, 1868.	The whole Act.
41 & 42 Vic., c. 52.	Public Health (Ireland) Act, 1878.	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.
42 & 43 Vic., c. 70.	Vaccination Amendment (Ireland) Act, 1879.	The whole Act.
46 & 47 Vic., c. 59.	Epidemic and Other Disease Prevention Act, 1883.	The whole Act.
47 & 48 Vic., c. 69.	Cholera, Etc., Protection (Ireland) Act, 1884.	The whole Act.
52 & 53 Vic., c. 72.	Infectious Disease (Notification) Act, 1889.	The whole Act.
53 & 54 Vic., c. 34.	Infectious Disease (Prevention) Act, 1890.	The whole Act.
53 & 54 Vic., c. 59.	Public Health Acts Amendment Act, 1890.	Sections 28 and 32.
59 & 60 Vic., c. 19.	Public Health Act, 1896.	The whole Act.
59 & 60 Vic., c. 54.	Public Health (Ireland) Act, 1896.	Sections 9 to 14 and 18.
60 & 61 Vic., c. 31.	Cleansing of Persons Act, 1897.	The whole Act.
61 & 62 Vic., c. 37.	Local Government (Ireland) Act, 1898.	Section 32.
4 Edw. VII, c. 16	Public Health Act, 1904.	The whole Act.
7 Edw. VII, c. 32.	Public Health (Regulations as to Food) Act, 1907.	The whole Act.
7 Edw. VII, c. 53.	Public Health Acts Amendment Act, 1907.	Section 50, Part IV.

8 Edw. VII, c. 56.	Tuberculosis Prevention (Ireland) Act, 1908.	Parts I and II; Sections 14 to 16 and 21.
1 & 2 Geo. V, c. 52.	Rag Flock Act, 1911.	The whole Act.
2 & 3 Geo. V, c. 25.	Tuberculosis Prevention (Ireland) Act, 1913.	The whole Act.
5 & 6 Geo. V, c. 64.	Notification of Births (Extension) Act, 1915.	Section 2; paragraph (*b*) of subsection (2) of section 3.
7 & 8 Geo. V, c. 40.	Public Health (Prevention and Treatment of Disease) (Ireland) Act, 1917.	The whole Act.
8 & 9 Geo. V, c. 29.	Maternity and Child Welfare Act, 1918.	Section 4.
9 & 10 Geo. V, c. 16.	Public Health (Medical Treatment of Children) (Ireland) Act, 1919.	The whole Act.
No. 5 of 1925.	Local Government Act, 1925.	Sections 18, 19, and 21 to 23.
No. 3 of 1927.	Local Government Act, 1927.	Section 3; the Second Schedule.
No. 23 of 1941.	Local Government Act, 1941.	Section 87.

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.

9. Restrictions on the use of public conveyances by persons suffering from infectious disease.

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.

Number 28 *of* 1947

HEALTH ACT 1947

REVISED

Updated to 14 May 2026

About this Revised Act

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 2024: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Health Insurance (Amendment) and Health (Provision of Menopause Products) Act 2024* (42/2024), s. 1(2)). 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 (Amendment) Act 1986* (10/1986)
- *Health (Amendment) Act 1987* (3/1987)
- *Health (Nursing Homes) Act 1990* (23/1990)
- *Health (Amendment) Act 1991* (15/1991), other than s. 8
- *Health (Amendment) Act 1994* (11/1994)
- *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 (Provision of Information) Act 1997* (9/1997)
- *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*
- *Irish Medicines Board (Miscellaneous Provisions) Act 2006* (3/2006), Part 5
- *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
- *Health (General Practitioner Service and Alteration of Criteria for Eligibility) Act 2020* (11/2020)
- *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), Part 2 (s. 5)
- *Health (Miscellaneous Provisions) (No. 2) Act 2022* (20/2022), other than s. 7
- *Health Insurance (Amendment) and Health (Provision of Menopause Products) Act 2024* (42/2024), Part 2 other than s. 5 (ss. 2-4)

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)
- *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), Part 2 (s. 4)

Annotations

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

Material not updated in this revision

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