

## COVID-19 - Emergency Legislation

**“WHEREAS an emergency has arisen of such character that it is necessary for compelling reasons of public interest and for the common good that extraordinary measures should be taken to deal with the immediate, exceptional and manifest risk to human life and public health posed by the spread of the disease known as COVID-19.”**

The opening words of emergency legislation signed into law by the President of Ireland on 20 March set the tone for sweeping new powers given to the State in the face of the COVID-19 crisis.

The [Health \(Preservation and Protection and other Emergency Measures in the Public Interest\) Act 2020](#) gives legislative underpinning to the drastic restrictions on public life to which we have quickly had to become accustomed. Enhanced social welfare measures contained in the legislation aim to ease the financial shock being experienced by many individuals and to dissuade employees from working when they instead should be self-isolating.

The [Health Act 1947](#) has been adapted so that it is more fit for purpose in the context of the new threats caused by this pandemic. New measures empower the State:

- to impose lockdowns, including regional lockdowns, and to order people to remain in their homes
- to impose travel restrictions into and out of the State and within the State
- to detain or isolate individuals certified by a medical officer to be a potential source of infection and who refuse to self-isolate.

A range of offences is created for which individuals, companies and/or their directors in breach of the law may be found liable. These will sit alongside heretofore little-used provisions in the Health Act 1947 which create presumptions as to the cause of infection in civil actions concerning the transmission of an infectious disease between individuals.

The government acceded to calls to time-limit this legislation and inserted a “sunset clause” review on 20 November 2020. Government will consider this issue further as the crisis unfolds. It has promised to maximise the use of all legislative powers in the public interest to support the response to COVID-19. Therefore, we can expect further legislative developments in line with its recently published [National Action Plan](#).

On 24 March, the government announced a range of further restrictions on public life. The National Public Health Emergency Team recommends that all [non-essential retail outlets](#) close to the public and has published an **indicative list** of what are considered **essential retail** outlets. A [COVID-19 Income Support Scheme](#) has been established to provide financial support to Irish employees and companies affected by the crisis.

**For more information, please contact [Pat English](#), or [Dorothy Hargaden](#) or your usual Matheson contact.**