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Relate

The journal of developments in social services,
policy and legislation in Ireland

Ireland's legislative and policy response to COVID-19

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Across the world, the COVID-19 pandemic has resulted in many extraordinary measures being imposed, which would be unthinkable in more normal times. Like many countries, in order to slow the spread of the virus, the Irish Government has imposed travel and social distancing measures.

To facilitate this, extensive new public health powers have been granted to the Minister for Health to either restrict or prohibit certain gatherings of people and limit the movements of defined groups of people (such as people over 70) or people in a defined geographical area. In addition, mandatory provisions to detain people in certain circumstances have been introduced.

The social distancing measures imposed have had many significant consequences, including the closure of many non-essential businesses. This has resulted in a massive increase in unemployment and a reduction in working hours for many people who remain in employment.

New and enhanced social welfare benefits have been introduced as a consequence. Supports for businesses have also been established, to ensure that they can retain as many staff as is economically possible. Greater protections have been put in place in the short-

term for people who are renting. Banks and other financial institutions have committed to providing greater flexibility for borrowers during the period of the pandemic.

Other new measures include changes to facilitate the short-term recruitment of staff in the health service, and changes to mental health and planning laws.

This issue of *Relate* explains the main measures taken through emergency legislation and the supports that are now available for people and businesses that are affected.

Please note that information can change very quickly. The information in Relate was correct at the time of publication. Please visit the [COVID-19 section of citizensinformation.ie](#) for regular updates.

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Public health measures

The ultimate goal of all public health measures is to slow the spread of the virus and reduce the number of deaths which the virus could cause. Government advice remains:

- Only leave your home to go to the shops for essential supplies, for medical appointments, to care for others or to take physical exercise within 2km of your home.
- Work from home unless you are an essential worker and you cannot work from home.
- Do not use public transport unless it is absolutely necessary.
- Practise social distancing in all settings.
- Regularly wash your hands and avoid touching your face.
- Practise *cocooning* by not leaving your home if you are over 70 or extremely medically vulnerable. If you are cocooning, you should minimise all non-essential contact with other members of your household.

These restrictions remain in force until Sunday 12 April 2020 at the earliest, and are subject to review.

Restrictions on movement and gatherings

In addition to the current recommendations from Government, new legislation allows the Minister for Health to introduce regulations to make a wide variety of changes. These are aimed at preventing, limiting, minimising or slowing the spread of COVID-19. The new powers are set out in the [Health \(Preservation and Protection and Other Emergency Measures in the Public Interest\) Act 2020](#), which amends the Health Act 1947.

The regulations which can be made include:

- Restrictions on travel to and from Ireland
- Restrictions on travel to, from or within defined areas of Ireland ('affected areas') where there is an outbreak
- Prohibition of events and gatherings of people which are considered to pose a risk of COVID-19 spreading to those attending (these events may be prohibited in specified locations alone or more generally)
- Safeguards which must be put in place where events or gatherings continue to be allowed to take place
- Safeguards which must be put in place by any premises, such as shops, which remain open
- Provision for the temporary closure of specified premises, including the continued closure of schools

Depending on the nature of the restrictions, certain people can be exempted. For example, necessary healthcare workers will be allowed to continue to travel to and from work despite

a general travel restriction being in place in a defined area.

When making any of the above regulations, the primary consideration is the need to save lives and protect public health. In this context, the Minister must consider:

- The slowing of the spread of COVID-19
- The capacity of the health system and the need to protect workers in the healthcare system
- The financial resources of the State
- The advice of the Chief Medical Officer

The Minister may also consider guidance provided by the World Health Organisation (WHO) or similar organisations. At the time of publication, no regulations have been made by the Minister.

Failure to comply with most of the regulations will be a criminal offence. It will also be a criminal offence to interfere or impede a person who is carrying out a function under the regulations (such as withholding information).

An Garda Síochána have been given additional powers, including arrest without warrant, to ensure compliance with any directions made. Non-compliance with a direction of An Garda Síochána without a lawful excuse will be a criminal offence. Any offence is punishable by a fine of up to €2,500, up to six months imprisonment or a combination of both. The punishment will be determined in the normal manner by the District Court.

Detention

The [Health \(Preservation and Protection and Other Emergency Measures in the Public Interest\) Act 2020](#) also allows for mandatory detention, where a qualified medical professional believes that:

- A person is a potential source of infection **and** a risk to public health
- Detention is necessary to slow the spread of COVID-19

Detention will only occur where a person cannot be effectively isolated or refuses to remain in a specified place, such as their home or other accommodation that is provided.

A person may be considered to be a potential source of infection for a number of reasons, including:

- Recent contact with a person who is confirmed to have COVID-19 or who is a probable source of COVID-19
- Attendance at an event also attended by a person suffering from COVID-19 or by people who are a probable source of COVID-19
- Travel to Ireland from an infected area, or contact with a person who has travelled to Ireland from an infected area
- Travel to, from or within an affected area in Ireland, or contact with a person who has travelled to, from or within an affected area in Ireland

A person who is detained will be tested for COVID-19 as soon as possible. They will be able to request a review of their detention by an independent person on the grounds they are not a source of infection.

Non-compliance by a person to be detained, or interference with detention by another person, will be a criminal offence.

These public health changes will apply until 9 November 2020. Any extension to that date must be approved by both the Dáil and the Seanad.

Changes in registration law to facilitate the urgent hiring of designated health professionals

The registration processes for health professionals are governed by legislation. Practising while unregistered is a criminal offence and, in some cases, registration can take a number of weeks or months. In order to enable as many previously registered health professionals to return to work as quickly as possible, changes were made to a number of Acts to create a temporary COVID-19 registration.

These changes apply to registration for doctors, nurses, midwives, dentists, pharmacists and other health and social care professionals (such as social workers, physiotherapists, radiographers, dietitians, opticians and occupational therapists).

The temporary registration stands apart from the normal restoration process for previous registrants and provides practitioners with a simpler registration process, with a clear-cut route for removal from the register. Temporary registration does not require the payment of a fee and will end on 31 July 2020 or on a different date set by the Minister for Health. Any applicants must continue to be persons of good standing and the normal processes of complaint and possible sanction continue to apply.

If a health professional with a temporary registration wishes to return to work on a more permanent basis, they must apply in the usual way. This application will be processed while they are temporarily registered. First-time applicants, including those who have been in active practice overseas but never in Ireland, continue to be subject to the normal registration processes. However, additional resources have been put in place to ensure those applications and checks can be processed as quickly as possible.

For more details, read our document [Public health measures for COVID-19](#).

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Social welfare measures

COVID-19 Pandemic Unemployment Payment

The COVID-19 Pandemic Unemployment Payment is a new social welfare payment for people who have lost all their employment due to the pandemic on or after 13 March 2020. It was increased from €203 to €350 on 24 March 2020 and will be paid until the current emergency passes.

Employees, self-employed people, students and part-time workers can apply for the COVID-19 Pandemic Unemployment Payment. Both EEA and non-EEA workers qualify. To qualify for the new COVID-19 Pandemic Unemployment Payment, you must:

- Be aged between 18 and 66
- Live in the Republic of Ireland
- Have lost your job due to the pandemic, or
- Be temporarily laid off by your employer and not receiving any income from them or
- Be self-employed and your trading income has ceased due to the pandemic

People returning to Ireland who have lost employment abroad are not eligible for the COVID-19 Pandemic Unemployment Payment.

If you have lost your job due to the pandemic and you were also getting a social welfare payment, such as a carer's payment, Working Family Payment or One-Parent Family Payment, you can claim the COVID-19 Pandemic Unemployment Payment and keep the other social welfare payment.

If you have a spouse, a partner or children (known as adult dependants and child dependants), you should claim a jobseeker's payment instead of the COVID-19 Pandemic Unemployment Payment as you will get a higher rate.

If your working hours are reduced, you cannot apply for the COVID-19 Pandemic Unemployment Payment as you are still in employment. If your work is reduced to 3 days or less per week, you should apply for Short Time Work Support, which is a form of Jobseeker's Benefit. Short Time Work Support is based on your PRSI contributions. If you do not qualify for Short Time Work Support, you can apply for Jobseeker's Allowance.

You should apply online for the COVID-19 Pandemic Unemployment Payment on [MyWelfare.ie](https://www.mywelfare.ie). If you cannot apply online, you can get a [COVID-19 Pandemic Unemployment Payment application form](#) online and at your local Intreo Centre and post office.

A [Public Services Card \(PSC\)](#) is not required to get the new COVID-19 Pandemic Unemployment Payment. However, you will be asked to get a PSC later.

If you think you mistakenly applied for the COVID-19 Pandemic Unemployment Payment, or if your employer has re-employed you under the new Temporary Wage Subsidy Scheme, you must close your COVID-19 Pandemic Unemployment Payment claim immediately. Claims can be closed in the [COVID-19 services](#) section of [MyWelfare.ie](https://www.mywelfare.ie).

For more information, read our document [COVID-19 Pandemic Unemployment Payment](#).

Enhanced Illness Benefit

When an employee or self-employed person is told to self-isolate by a doctor or the HSE, or has been diagnosed with COVID-19 by a doctor, they can apply for an enhanced Illness Benefit payment of €350 per week from the first day of their absence from work. This applies only if that absence began on or after 9 March 2020 and they are not working. Self-employed persons are also entitled to the enhanced Illness Benefit. Normal PRSI and other qualifying requirements do not apply.

From 24 March 2020, enhanced Illness Benefit increased to €350 per week in line with the increase in the COVID-19 Pandemic Unemployment Payment. It will be paid for a maximum of two weeks where a person is self-isolating and for a maximum of 10 weeks if a person has been diagnosed with COVID-19. If you have been certified for less than 10 weeks, you will be paid for the duration of your certificate.

To receive the payment, you must complete an application form for Illness Benefit (Form IB1). This form can be completed online, or posted out to you. You will also need a medical certificate from a doctor, which will be sent directly to the Department of Employment Affairs and Social Protection (DEASP). Alternatively, if you have been advised by the HSE that you must self-isolate, you must submit a copy of the text or the letter you received from the HSE with your Illness Benefit application form.

The pre-existing rules and rates for Illness Benefit for conditions that are **not** linked to COVID-19 continue to apply.

For more information, read our document [COVID-19 enhanced Illness Benefit](#).

Changes to Jobseeker's Allowance and Jobseeker's Benefit

The Minister for Employment Affairs and Social Protection has waived the standard 3-day period of non-work before a person becomes entitled to Jobseeker's Allowance (from 18 March) and Jobseeker's Benefit (from 19 March) until 9 May 2020. This means you will receive the jobseeker's payment from the first day of your unemployment.

Other changes in the social welfare system

All social welfare payments are now being paid fortnightly to make it easier to practise social distancing. For some people, these fortnightly payments began on 23 March 2020 and for others, they began on 30 March 2020. The fortnightly payments apply both to people who collect their payments at post offices and people who are paid directly into a bank account.

In addition, you do not need to sign on or attend back to work courses for as long as the pandemic lasts. However, casual workers claiming a jobseeker's payment must continue to get weekly docketts signed and submit them to the DEASP.

If you can no longer go to the post office to collect existing payments due to self-isolation and social distancing, you can change your payment method to a bank transfer, so you receive your payment directly to your bank account. You can set this up on [MyWelfare.ie](https://www.mywelfare.ie).

All queries about the social welfare measures should be directed to a local Intreo Centre or the DEASP. All Intreo centres and Social Welfare Branch Offices are open to the public from 10am to 1pm on Mondays, Wednesdays and Fridays (except for Good Friday). Public offices are closed on Tuesdays and Thursdays. These are emergency temporary measures and will be kept under review.

You can continue to contact your Intreo centre or Social Welfare Branch Office by phone or email outside of these hours. The contact details are available on [gov.ie](https://www.gov.ie). You can also get information on [MyWelfare.ie](https://www.mywelfare.ie) or call 1890 800 024.

For more information, read our document [Social welfare payments and COVID-19 \(coronavirus\)](#).

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Supports for businesses and their employees

COVID-19 Temporary Wage Subsidy Scheme for employers

An emergency Temporary Wage Subsidy Scheme has been introduced to refund employers who are adversely affected by the COVID-19 pandemic and who continue to pay their employees. The scheme is targeted at businesses that are unable to pay the wages of certain employees because of the pandemic and it is operated by the Revenue Commissioners.

The scheme operates by refunding 70% of an employee's salary to the employer, up to a maximum of €410 net per week, for employees earning up to €586 net per week (equivalent to the after-tax income of a worker on around €38,000 gross per year). For employees earning between €587 and €960 net per week (between about €38,000 and €76,000 gross per year), employers will receive a weekly subsidy of up to €350. Employees earning more than €960 net per week (roughly €76,000 gross per year) are excluded from the scheme.

If employers pay more than the normal take-home pay of an employee, the amount of the subsidy will be reduced accordingly.

To avail of the scheme, an employer must:

- Demonstrate that their business has been significantly impacted by COVID-19. This means that during the period of 14 March 2020 to 30 June 2020, there was at least a 25% reduction either in the turnover or in customer orders.
- Intend to continue employing the employees, and make best efforts to maintain as close to 100% of normal income as possible for the duration of the subsidy period.
- If the employer cannot make a top-up to the employee's wages, an amount of €0.01 should be included for gross pay.

The scheme is confined to employees who were on the employer's payroll on 29 February 2020, and for whom a payroll submission has already been made to Revenue in the period from 1 February 2020 to 15 March 2020. There is no age restriction for employees to be eligible and it includes employees on full-time, part-time and short-time work arrangements.

Income tax and Universal Social Charge (USC) will not be applied to the subsidy payment through payroll. However, the subsidy may be liable to income tax and USC on review at the end of 2020. Income tax and USC will apply in the normal manner to any top-up payments made. However, the reduction of income experienced by many employees benefitting from the scheme should mean that they are entitled to a partial refund of income tax and USC already paid for 2020.

Employee Pay Related Social Insurance (PRSI) does not apply to the subsidised payment, or any top-up payment by the employer. Employers' PRSI will not apply to the subsidised payment, and will be reduced to 0.5% on any top-up payment within the thresholds set out by Revenue. However, if additional payments exceed the thresholds, the employee then returns to PRSI class A1.

The scheme's purpose is to keep employees and employers connected, and make it easier for businesses to re-start and get back to previous capacity when the emergency ends. Additionally, the operation of the scheme will reduce the burden on the DEASP, which is providing other COVID-19 related payments (see [Social welfare measures](#)).

The scheme is expected to last for 12 weeks, starting from 26 March 2020. The Temporary Wage Subsidy Scheme replaces the previous employer refund scheme, the Employer COVID-19 Refund Scheme, which allowed for a subsidy of €203 per employee per week.

After the scheme has expired, the names of all employers operating the scheme will be published on Revenue's website. Information for employers on how to register for the scheme is also available on [Revenue's website](#).

For more information, read our document [COVID-19 Temporary Wage Subsidy Scheme](#).

Other business supports

A range of other supports for businesses affected by COVID-19 have been made available by the State and by State agencies, including:

- **SBCI Covid-19 Working Capital Loan Scheme:** Loan amounts of €25,000 to €1.5 million to viable micro, small and medium-sized enterprises (SMEs) and Small MidCap enterprises (an enterprise that is not an SME but has fewer than 500 employees). Businesses are eligible if the pandemic has resulted in turnover/profitability being negatively impacted by a minimum of 15%. The loans have a maximum interest rate of 4% and the first €500,000 borrowed is unsecured. For more details and an online application form, go to [sbci.gov.ie](#).

- **Credit Guarantee Scheme:** Loan amounts up to €1 million for a term of up to seven years. The Government provides a partial guarantee (currently 80%) to banks against losses on qualifying loans to eligible SMEs. The scheme is operated by the Department of Business, Enterprise and Innovation through AIB, Bank of Ireland and Ulster Bank. For more information and how to apply, see [Credit Guarantee Scheme COVID-19 FAQs](#).
- **COVID-19 Business Loan:** Loans of between €5,000 and €50,000 from Microfinance Ireland for small businesses impacted by COVID-19. Micro enterprises (sole trader, partnership or limited company) with fewer than 10 full-time employees and an annual turnover of up to €2 million are eligible to apply. The loan includes an option for a moratorium on interest and repayments for the first six months. For more details and how to apply, visit [microfinanceireland.ie](#).
- **COVID-19 Rapid Response:** A Rapid Response Research and Innovation programme from the Government's research and innovation agencies to support research and development and innovation activities that can have rapid demonstrable impact on the current COVID-19 crisis in Ireland. See [sfi.ie](#) for further information.
- **COVID Response Marketing Support Package:** Bord Bia is widening its marketing supports in response to difficulties companies are facing as a result of Covid-19. The scheme is open to food, drink and horticulture (edible and amenity) producers, who are client companies of Bord Bia, with a turnover greater than €100,000 in 2019 and less than €25 million in 2019. The closing date for applications is 16 April 2020. See [bordbia.ie](#) for more details.
- **Business Continuity Voucher:** The voucher is worth up to €2,500 in third-party consultancy costs. It can be used by companies and sole traders to develop short-term and long-term strategies to respond to the COVID-19 pandemic. This is available through Local Enterprise Offices for businesses that employ up to 50 people. Go to [localenterprise.ie](#) for more information.
- **Finance in Focus Grant:** A grant of €7,200 will be available to clients of Enterprise Ireland and Údarás na Gaeltachta that want to access consultancy support to undertake immediate finance reviews. For more information, go to [enterprise-ireland.com](#).
- **Deferral of rates:** The deferral of commercial rates due to local authorities from the most immediately impacted businesses (primarily in the retail, hospitality, leisure and childcare sectors) until the end of May 2020.

A further package of €200 million will be administered by Enterprise Ireland as part of a suite of emergency supports to help Irish companies that are seriously and adversely affected by the COVID-19 pandemic. This support will be available to assist companies to access the necessary liquidity and funding to sustain their businesses in the short to medium term. Details of this package are still being finalised.

Revenue has also issued [updated advice to SMEs experiencing cashflow difficulties arising from COVID-19](#). This includes information on tax returns, late payment interest, debt enforcement and tax clearance.

For more information, read our document [Supports for businesses impacted by COVID-19](#). Further expansion of the [supports available for businesses impacted by COVID-19](#) were announced by the Department of Business, Enterprise and Innovation on 8 April 2020.

Changes to employment permits and visa applications

Immigration Service Delivery (ISD, the new name for INIS) announced that it will renew Irish Residence Permits (IRPs, previously known as GNIB cards) automatically for a period of two months for people whose permits expire between 20 March 2020 and 20 May 2020.

ISD has temporarily ceased the processing of new visa applications. However, the Department of Justice will continue to process certain priority/emergency cases including:

- Emergency visa (for example, healthcare professionals)

- Immediate family members of Irish citizens
- Persons legally resident in the State
- Persons entitled to avail of the provision of the EU Free Movement Directive
- Transport personnel engaged in haulage of goods and other transport staff, and
- Diplomats, staff of international organisations, military personnel and humanitarian aid workers in the exercise of their functions

For more information, read our document [Immigration and employment permits during COVID-19](#).

Redundancy measures

Normally, a worker with at least 104 weeks' service who has been temporarily laid off or put on short-time can claim a redundancy payment from their employer if a number of conditions contained in the Redundancy Payments Act 1967 have been met.

However, the usual conditions on redundancy payments no longer apply. This is due to the large number of employees who will become eligible for a redundancy payment because of the COVID-19 pandemic and the financial burden such claims would put on employers.

Currently, workers who are laid off or put on short-time work due to the pandemic cannot claim statutory redundancy until 31 May 2020 at the earliest. This suspension can be further extended if it is considered to be in the public interest. However, any extension can be annulled by resolution in either the Dáil or the Seanad within 21 days of the extension.

The provision for the suspension of workers' rights to redundancy payments is set out in the Emergency Measures in the Public Interest (Covid-19) Act 2020.

In summary, until the suspension is lifted, workers can continue to rely on the various social welfare supports available. Some workers who have been laid off will continue to be paid most or all of their pay through the [COVID-19 Temporary Wage Subsidy Scheme](#). Where working hours have been reduced to 3 days or less per week, a worker can apply for [Short Time Work Support](#). Where the employer has decided to close their business or temporarily lay you off and cannot pay you, a worker can apply for the new [COVID-19 Pandemic Unemployment Payment](#).

Banking measures

A range of measures to support both businesses and people impacted by COVID-19 have been announced by the banking sector. These include:

- Flexible arrangements, including a payment break or 'interest only' option for mortgages and other loans. Customers affected by COVID-19 must contact their bank to discuss the flexibility available to them, including the possibility of a payment break of up to three months initially. Non-bank mortgage lenders and credit servicing firms have also announced their support for this measure. The Central Bank of Ireland has confirmed that there will be no impact on the Central Credit Register credit records of customers who avail of a payment break as a result of being financially impacted by COVID-19.
- The adjournment of all pending court proceedings for a period of three months.
- Flexibility for bank customers with buy-to-let properties that have tenants who are impacted by COVID-19. These landlords can request a mortgage payment break of up to three months, which they can pass on to their tenants.
- Measures to ensure applications for payment breaks as a result of COVID-19 will not affect credit records.
- A simplified application process to make it easy for businesses and personal customers to get support from their bank.
- Additional working capital facilities and supply-chain supports, some of which are mentioned in the Business Supports section above.

- An increase in the limit on contactless payments from €30 to €50.
- Other supports for customers who are cocooning.

Further information on banking supports is available from the [Banking and Payments Federation Ireland](#) and on each bank's website.

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Landlords and tenants

A number of changes have been brought into effect to support tenants in relation to terminations, evictions and rent freezes for the *emergency period*. Currently, the emergency period relating to housing provisions are set out in the [Emergency Measures in the Public Interest Act 2020](#) and apply from 27 March 2020 for three months. However, the Government can extend the emergency period if it is considered to be in the public interest.

Terminations and evictions

A landlord cannot serve a notice of termination during the emergency period. However, tenants remain under an obligation to comply with the terms of any lease or licence and to pay the amount of rent due.

Similarly, all proposed evictions are prohibited, whether or not they fall within the scope of the Residential Tenancies Act 2004, as amended. This includes all accommodation provided by local authorities and approved housing bodies, and student accommodation. In addition, Travellers who are currently resident in any location should not be evicted from that location during this crisis, except where movement is required to reduce hardship and provide protection. If a move is necessary, the Travellers involved must be consulted.

If a valid notice of termination of a Part 4 tenancy was served before the emergency period and the tenant was due to leave during or after the emergency period, the tenant will continue to be entitled to remain living in the property for the duration of the emergency period.

Once the emergency period ends, any period which remained on the tenancy under the notice of termination will re-start. A further day is also added. For example, if you had 10 days left on the tenancy before the emergency period began on 27 March 2020, you will have 11 days remaining when the emergency period ends.

Tenants who would only acquire Part 4 rights (which grant long-term security of tenure) due to the emergency period, will not acquire those Part 4 rights.

Rent freezes

The rents for all tenancies during the emergency period have been frozen. If an increased rent was to take effect during the emergency period, it will no longer take effect on the specified date. Instead, the new rent will come into effect at the end of the emergency period.

For the duration of the emergency period, any proceedings before a Tenancy Tribunal will not occur in public.

The [Residential Tenancies Board](#) has published a [Guidance Document: Supports for landlords and tenants](#) and [FAQs on the emergency legislation for landlords and tenants](#).

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Planning and development law

Suspension of time limits and the decision-making process

Since 29 March 2020, all time limits which apply in relation to planning and development law have been suspended through changes introduced in the [Emergency Measures in the Public Interest \(Covid-19\) Act 2020](#) since 29 March 2020. They will remain suspended until 20 April 2020. This date can be further extended until 9 November 2020 if it is considered to be in the public interest.

This means that decisions by planning officials in relation to planning applications, development plans or enforcement do not have to take place within the normal statutory timeframes. So, if a public consultation was open on 29 March 2020, it will remain open and no decision can be taken in relation to the matter. Similarly, the time period for any appeal in relation to any decision made will automatically be suspended. However, in some cases, decisions may still be made if the time limit for others to make submissions or lodge appeals has passed.

The freeze does not prevent a developer or any other person from making an application for planning permission by post. Authorities can engage with applicants by electronic means, and accept submissions by post and electronic means. However, they cannot be processed as the public consultation period will not close. For anyone who is potentially subject to enforcement action, it will also take longer to achieve the necessary limitation periods.

The suspension also applies to time calculations under legislation on derelict sites, vacant sites and building control.

Fast-track planning permission for necessary COVID-19 related developments

The Government has used powers in the Planning and Development Act 2000 to suspend many of its provisions for certain COVID-19 developments. The Planning and Development Act 2000 (Section 181) Regulations 2020 mean that any COVID-19 developments specified in the regulations will be subject to a fast-track planning permission.

The classes of developments covered are:

- Acute and other health and social care accommodation
- Self-isolation or other COVID-19 related short-stay accommodation
- COVID-19 and other step-down accommodation
- Medical testing centres and laboratories
- Emergency management co-ordination facilities
- Mortuary facilities
- Ancillary and other accommodation, including storage facilities
- Ancillary infrastructure and other works to support the developments above

This fast-track process will apply until 9 November 2020. Any extension to that date must be approved by both the Dáil and the Seanad.

Exemption of restaurants to allow collection and delivery service

Restaurant premises which do not have planning permission to offer a takeaway or delivery service can now offer a takeaway or delivery service. They are exempt from the requirement to seek planning permission until 9 November 2020. Any extension to that date must be approved by both the Dáil and the Seanad. Once the period ends, restaurants will have to seek planning permission if they wish to continue the takeaway or delivery service. This measure is set out in the [Planning and Development Act 2000 \(Exempted Development\) \(No. 2\) Regulations 2020](#).

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Family law

The social distancing and travel restrictions imposed during COVID-19 introduced a degree of uncertainty as how access arrangements are to operate. COVID-19 has also placed many additional stresses on families in circumstances where access to the courts has been severely restricted. However, detailed guidance is available from a number of sources including the [President of the District Court](#) and the [Family Lawyers Association of Ireland](#).

Access arrangements

The key points are:

- The best interests of the child/children involved is the fundamental consideration, particularly if the child has a compromised immune system.
- Parents are encouraged to come to their own arrangements for additional or alternative remote contact, such as telephone/Skype/Facetime/WhatsApp, to allow children to have extensive contact with the other parent while reducing the risk of the spread of COVID-19. Parents should make a note of any temporary agreement by text or email.
- Particular consideration should be given by parents to the living arrangements of all involved, especially where a parent either is, or lives with someone who is, in a vulnerable group.
- Court orders in relation to access remain in place and should be complied with to the greatest degree possible in the circumstances, unless otherwise agreed by the parents.
- If there is no court order in place and an arrangement has been working between parents, this arrangement should continue, unless otherwise agreed by the parents.
- Travel between parents' homes is allowed for the purpose of facilitating access. Parents are advised to have a copy of the court order with them when travelling for access.
- Covid-19 cannot be used as an excuse to ignore a court order.

Access to the courts

The courts around the country are restricted to urgent business at the present time. Matters relating to domestic violence, such as protection orders and barring orders, and emergency care orders are considered urgent business and courts remain available to hear those applications as a priority.

Applications for breach of access or maintenance are not generally considered to be urgent. However, if there are particular reasons these matters can be considered urgent. You or your solicitor should email your local court office setting out the reasons why your case should be considered urgent. You should also email the other side to let them know you have applied and they must be given a chance to set out their position. You will be notified of the court's decision by email. Contact details for court offices are available on [courts.ie](#).

Family law cases which had been given a hearing date in the Circuit Court after the Easter break have now been adjourned and the relevant court office will be in contact with all sides

when a new date has been set. Again, you or your solicitor should contact the relevant court office you believe the matter is urgent.

Court offices are open for essential business by appointment only. Members of the public and legal practitioners will not be served at a court office without an appointment. The most up-to-date information is available on the Courts Services' website courts.ie.

Domestic violence and other supports

Due to increased demand for support at this time, domestic violence organisations such as [Women's Aid](#) have extended and adapted their services during the COVID-19 pandemic.

Anyone in immediate danger, should call 112 or 999. Members of the Gardaí are specially trained to deal with these situations.

The [Legal Aid Board](#) operates a [Legal and Mediation Information Helpline](#) on 1890 615 200 or 01 646 9600, Monday to Friday, 10.00am to 12.30pm and 2.00pm to 4.00pm for information on how to apply for legal and mediation services, the financial eligibility criteria, the merits criteria, what mediation is and how it works.

Contact the [Family Mediation Service](#) on 01 646 9637 for general queries on family mediation for existing clients of the mediation service or those who wish to register for family mediation.

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Changes in mental health law

Changes in mental health law

Part 5 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 contains a number of amendments to the Mental Health Act 2001 that are designed to facilitate the ongoing operation of the Mental Health Tribunals for the duration of the public health emergency.

A person who is involuntarily detained for treatment has a statutory entitlement to a review by a Mental Health Tribunal within 21 days of the making of an admission or renewal order. Normally, these tribunals are composed of three people (a lawyer, a consultant psychiatrist and a lay person) sitting together. However, single-member tribunals (composed only of an experienced lawyer) are permitted until 9 November 2020 at the earliest. The lawyer will still be permitted to consult with a consultant psychiatrist before making any determination.

Other changes in how the tribunals operate include allowing:

- Hearings to take place remotely
- Certain evidence to be provided in writing so that witnesses do not have to attend in person, including the evidence of the consultant psychiatrist responsible for the care and treatment of the person
- Consultant psychiatrists to provide reports on patients based on remote examination
- Patients or their legal representative to present their case by way of representation in writing
- The tribunal to extend the time for a hearing and/or decision

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Other changes and measures

Changes in civil registration law

Part 9 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 allows the information necessary to register births and deaths to be provided in writing for the duration of the public health emergency. This removes the normal requirements to sign the register in person and to attend before a Registrar or a Superintendent Registrar.

Re-enlistment of former members of the Defence Forces and employment protection for reservists

Part 6 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 facilitates the re-enlistment of former enlisted members of the Permanent Defence Forces to fill certain critical technical positions in the Permanent Defence Forces. It also protects the employment rights of members of the Reserve Defence Forces who are temporarily unable to carry out their normal job while on active duty.

Waiver of the medical report requirement for over 70s applying for a driving licence

The Road Traffic (Licensing of Drivers) (Amendment) Regulations 2020 temporarily suspend the requirement to submit a medical report for people over 70 who are applying for a learner permit or a driving licence. The exemption applies until 31 July 2020. However, people with an identified or specified illness must continue to submit a medical report.

Supports from utilities providers

The following measures have been put in place to help customers remain connected to their electricity and gas supplies during this period:

- Domestic disconnections are suspended until at least 19 April 2020
- Emergency credit levels for prepaid (Pay As You Go) gas meters increased from €10 to €100
- Suppliers can offer online and phone top-up services for people who have a prepaid (Pay As You Go) electricity meter and cannot reach a shop

Extension of the Fuel Allowance season

The Fuel Allowance season has been extended by four weeks in response to the COVID-19 emergency. It will now end on Friday, 8 May 2020.

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