

1. Subgroup Terms of Reference

Terms of reference

1. Identify relevant legislation in the health sector applicable in a possible public health emergency;
2. Identify legislation in other departments which might be necessary to apply in a possible public health emergency;
3. Compile a comprehensive framework of specific provisions in 1. and 2. and obtain legal advice as to their applicability, or whether amendments may be required to (i) primary legislation (ii) by way of statutory instrument/regulation;
4. Assess drafting and other capacity requirements for any legal measures;
5. Make recommendations to Covid-19 Co-ordination Group on necessary measures, and agree drafting capacity requirements within DOH, other departments, and with AGO/OPC;
6. Agree a communications statement around necessary legal measures;
7. Agree Subgroup Modus Operandi for progressing TOR;
8. Report to NPHEP through (i) progress updates, (ii) recommended action based on the phases advised.

2. Current Position

On its establishment the NPHEP Legislation Sub-group met and discussed how best to address the legislative and regulatory requirements that were likely to arise as part of the management of the Covid-19 response. Following a detailed discussion, it was decided to proceed with enacting emergency legislation from which derived subsequent regulations during the different phases recommended by NPHEP. This led to an intensive process of ongoing regulation to meet the NPHEP recommendations for each phase, as approved by Government. During these phases, there was ongoing detailed consultation between the Corporate Legislation Unit (advised by the DOH Legal Advisor) and other members of the Sub-group as necessary, principally in the AGO and OPC, relevant Government departments, and within the Department of Health. These consultation processes and working arrangements are well established and continue to enable the Corporate Legislation Unit to obtain the necessary advice and provide the required drafting instructions for ongoing regulatory requirements as they arise, subject to the available staffing resources.

Accordingly, it is not necessary to continue with the Legislation Sub-group in its present form and, similar to other sub-groups, we will keep this situation under review as the next stage of the Covid response proceeds.
