



STATUTORY INSTRUMENTS.

S.I. No. 244 of 2020



HEALTH ACT 1947 (SECTION 31A – TEMPORARY RESTRICTIONS)
(COVID-19) (FACE COVERINGS ON PUBLIC TRANSPORT)
REGULATIONS 2020

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(COVID-19) (FACE COVERINGS ON PUBLIC TRANSPORT)
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I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by sections 5 and 31A (inserted by section 10 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020)) of the Health Act 1947 (No. 28 of 1947) and -

- (a) 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) of section 31A, and
- (b) having consulted with the Minister for Transport, Tourism and Sport and the Minister for Justice and Equality,

hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings on Public Transport) Regulations 2020.

(2) These Regulations shall come into operation on the 13th day of July 2020.

Operation of Regulations

2. These Regulations shall remain in operation until the 5th day of October 2020.

Definitions

3. In these Regulations -

“Act of 2008” means the Dublin Transport Authority Act 2008 (No. 15 of 2008);

“face covering” means a covering of any type which when worn by a person covers the person’s nose and mouth;

“public passenger transport service” has the same meaning it has in the Act of 2008;

“public transport operator” has the same meaning it has in the Act of 2008;

“public transport vehicle” means a vehicle by means of which a public passenger transport service is provided;

“reasonable excuse” shall be construed in accordance with Regulation 6;

“relevant geographical location” means a geographical location to which an affected areas order applies;

“relevant person” has the meaning assigned to it by Regulation 4;

“travel by public transport vehicle” includes boarding a public transport vehicle.

Relevant person

4. The following persons (each of whom, in these Regulations, is referred to as a “relevant person”) are specified as relevant persons for the purposes of these Regulations:

- (a) any officer, employee or agent of a public transport operator who is –
 - (i) in, on, or boarding a public transport vehicle owned or operated by that operator, and
 - (ii) acting in the course of his or her duty as such officer, employee or agent in connection with the provision of a public passenger transport service on behalf of that operator;
- (b) any officer, employee or agent of the National Transport Authority who is –
 - (i) in, on, or boarding a public transport vehicle owned or operated by a public transport operator, and
 - (ii) acting in the course of his or her duty as such officer, employee or agent of the National Transport Authority.

Requirement to wear face covering when travelling by public transport

5. (1) A person shall not, without reasonable excuse, travel by public transport vehicle within a relevant geographical location without wearing a face covering.

(2) Paragraph (1) shall not apply -

- (a) to a person under the age of 13 years,
- (b) to a person driving a public transport vehicle from a compartment in which he or she is the sole occupant,
- (c) where there is a screen in a public transport vehicle which separates the driver of the vehicle from persons boarding or alighting from the vehicle, to a person driving the vehicle from behind that screen,
- (d) where there is not a screen in a public transport vehicle which separates the driver of the vehicle from persons boarding or alighting from the vehicle, to a person driving the vehicle during

the periods when no person is boarding or alighting from the vehicle,

- (e) to a member of the Garda Síochána in the course of performing his or her duties.

Reasonable excuse

6. Without prejudice to the generality of what constitutes reasonable excuse for the purposes of Regulation 5(1), a person has reasonable excuse if -

- (a) the person cannot put on, wear or remove a face covering -
 - (i) because of any physical or mental illness, impairment, or disability, or
 - (ii) without severe distress,
- (b) the person needs to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise),
- (c) the person removes the face covering to provide emergency assistance or to provide care or assistance to a vulnerable person,
- (d) the person removes the face covering to avoid harm or injury, or the risk of harm or injury,
- (e) the person removes the face covering in order to, and only for the time required to, take medication.

Powers of relevant person

7. (1) Where a relevant person reasonably believes that a person travelling by public transport vehicle (in this Regulation referred to as a “passenger”) is not wearing a face covering in accordance with Regulation 5, he or she may do any of the following:

- (a) request the passenger to wear a face covering;
- (b) refuse the passenger entry to a public transport vehicle;
- (c) request the passenger to alight from a public transport vehicle.

(2) Before exercising a power under paragraph (1) in respect of a passenger, a relevant person shall give the passenger an opportunity to provide reasonable excuse and may request the passenger to provide such information as the relevant person considers necessary to determine whether or not the passenger has reasonable excuse.

(3) Notwithstanding paragraph (2), the onus shall be on a passenger to establish, to the satisfaction of the relevant person, that he or she has reasonable excuse.

(4) A passenger shall comply with a request or refusal under paragraph (1).

(5) Paragraph (4) is a penal provision for the purposes of section 31A of the Health Act 1947 (No. 28 of 1947).



GIVEN under the Official Seal of the Minister for Health,
10 July, 2020.

STEPHEN DONNELLY,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations provide that members of the public shall not, without reasonable excuse, travel by public transport without wearing a face covering. Public transport under the Regulations encompasses all bus and rail services provided under contract with the National Transport Authority (NTA), LUAS services and commercial bus services licensed by the NTA.

It is an offence not to comply with a request by a relevant person to wear a face covering. It is also an offence not to comply where a relevant person refuses entry to a public transport vehicle or where a relevant person requests a person to alight from a public transport vehicle. Relevant persons under the Regulations are officers, employees or agents of public transport operators or the National Transport Authority.

The Regulations do not apply to children aged under 13 years and do not apply, in certain circumstances, to drivers of public transport vehicles.

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