



STATUTORY INSTRUMENTS.

S.I. No. 353 of 2020



HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (NO. 5) (AMENDMENT) REGULATIONS 2020

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(COVID-19) (NO. 5) (AMENDMENT) REGULATIONS 2020

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, the Minister for Business, Enterprise and Innovation, the Minister for Finance, the Minister for Justice and Equality, and the Minister for Culture, Heritage and the Gaeltacht,

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) (No. 5) (Amendment) Regulations 2020.

(2) These Regulations shall come into operation on the 21st day of September 2020.

Amendment of Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (No. 5) Regulations 2020

2. The Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 5) Regulations 2020 (S.I. 352 of 2020) are amended -

- (a) by the substitution of the following Regulation for Regulation 10:

“Carrying on or provision of certain businesses or services

10. (1) Subject to Regulation 19, a specified person shall ensure that members of the public are not permitted, or otherwise granted, access to a premises in a relevant geographical location where a business or service of a type specified in paragraph (2) is carried on or otherwise provided.

(2) The following types of business and services are specified for the purposes of paragraph (1):

- (a) a nightclub or discotheque, including those licensed under the Public Dance Halls Act 1935 (No. 2 of 1935);

- (b) a casino or Private Members' Club at which gambling activities are carried out and which is operated on a commercial basis.
- (3) (a) Subparagraph (b) applies notwithstanding anything contained in the Licensing Acts 1833 to 2018 or the Registration of Clubs Acts 1904 to 2008.
- (b) A specified person shall ensure that members of the public are not, during the relevant period -
- (i) permitted, or otherwise granted, access to relevant premises, or
- (ii) permitted to remain on such premises, except for the purpose of ordering, or collecting, or both, food or non-alcoholic beverages for consumption off such premises.
- (c) For the avoidance of doubt, it is hereby declared that the period of 30 minutes referred to in section 7(1) and (2) of the Intoxicating Liquor Act 1962 (No. 21 of 1962), commonly referred to as drinking-up time, does not apply in relation to the relevant period.
- (d) In this paragraph -
- “relevant period”, in relation to a relevant premises to which, but for this paragraph, access by members of the public may be lawfully permitted, or otherwise granted, on and after 11.30 p.m. on a particular day, means the period -
- (i) commencing at 11.30 p.m. on that day, and
- (ii) ending at the later time on that day, or the later time on the next succeeding day, as the case may be, on and after which access by members of the public would no longer be lawful even if this Regulation had never been made;
- “relevant premises” means a premises where a business or service that is selling or supplying intoxicating liquor for consumption on the premises and that, but for this Regulation, is otherwise permitted by law to do so, is lawfully carried on or otherwise provided.
- (4) Paragraphs (1) and (3) are penal provisions for the purposes of section 31A of the Act of 1947.”, and
- (b) by the substitution of the following Regulation for Regulation 12:

“Other requirements in relation to certain premises referred to in Regulation 10

12. (1) A specified person shall, in relation to a relevant premises within the meaning of Regulation 10(3) -

- (a) in the case of a party of persons being permitted, or otherwise granted, access to the premises, make a record of the time and date that the first member (in this Regulation referred to as a “lead person”) of the party of persons is permitted, or otherwise granted, access to the premises and the lead person’s name and telephone number,
- (b) in the case of a member of the public (in this Regulation referred to as a “sole person”) who is not a member of a party of persons being permitted, or otherwise granted, access to the premises, make a record of the time and date that the sole person is permitted, or otherwise granted, access to the premises and the sole person’s name and telephone number, and
- (c) not permit food or beverages to be served, or to continue to be served, to a member of a party of persons or a sole person permitted, or otherwise granted, access to the premises unless the food or beverages are consumed -
 - (i) in accordance with Regulation 10, and
 - (ii) whilst such member of a party of persons or sole person, as the case may be, is seated at a table.

(2) A specified person shall, for a period of 28 days after the records have been made, retain and make available records made under paragraph (1)(a) and (b) for the purposes of inspection -

- (a) by a member of the Garda Síochána acting in the course of his or her duties under these Regulations, and
 - (b) by a person appointed by the Health Service Executive for the purposes of the programme commonly known as the Covid-19 Contact Management Programme.
- (3) (a) For the purposes of paragraph (1)(a), a specified person may request a lead person to provide the specified person with the lead person’s name and telephone number and, where that specified person does so, the lead person shall comply with that request.

(b) For the purposes of paragraph (1)(b), a specified person may request a sole person to provide the specified person with the sole person's name and telephone number and, where that specified person does so, the sole person shall comply with that request.

(4) Paragraphs (1) and (2) are penal provisions for the purposes of section 31A of the Act of 1947.

(5) In this Regulation, "party of persons" means, in relation to a relevant premises within the meaning of Regulation 10(3), a group of 2 or more members of the public who intend to consume food or beverages together in the premises and who wish to be permitted, or otherwise granted, access to the premises for that purpose, whether or not each member arrives at the premises at the same time."



GIVEN under my Official Seal,
20 September, 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 amend the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 5) Regulations (S.I. No. 352 of 2020) to provide for the opening from 21 September 2020 in all areas except County Dublin, of premises licensed for the sale or supply of intoxicating liquor for consumption on the premises without the requirement to serve an accompanying substantial meal. The Regulations remain in operation until 10 October 2020.

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