



STATUTORY INSTRUMENTS.

S.I. No. 695 of 2020



HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (NO. 9) (AMENDMENT) (NO. 2) REGULATIONS 2020

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HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (NO. 9) (AMENDMENT) (NO. 2) 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 Enterprise, Trade and Employment, the Minister for Finance, the Minister for Justice and the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media,

hereby make the following regulations:

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 9) (Amendment) (No. 2) Regulations 2020.

(2) These Regulations (other than Regulations 8, 11(b), 12 and 13(c)) shall come into operation on the 25th day of December 2020.

(3) Regulations 11(b), 12 and 13(c) (insofar as it relates to the insertion of paragraphs 15, 16 and 17 into Schedule 2 of the Principal Regulations) shall come into operation at 3.00 p.m. on the 24th day of December 2020.

(4) Regulation 8 shall come into operation on the 3rd day of January 2021.

2. In these Regulations, “Principal Regulations” means the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (No. 9) Regulations 2020 (S.I. No. 560 of 2020).

3. Regulation 1 of the Principal Regulations is amended –

- (a) in paragraph (2), by the substitution of “12th day of January 2021” for “31st day of January 2021”, and
- (b) in paragraph (4), by the substitution of “12th day of January 2021” for “31st day of January 2021”.

4. Regulation 3 of the Principal Regulations is amended -

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th January, 2021.*

- (a) in paragraph (2)(o), by the substitution of the following clause for clause (i):

“(i) lead worship or services remotely through the use of information and communications technology,” and

- (b) in paragraph (4), by the substitution of “26th day of December 2020” for “6th day of January 2021”.

5. Regulation 4 of the Principal Regulations is amended, in paragraph (5), by the substitution of “31st day of December 2020” for “6th day of January 2021.”.

6. Regulation 6 of the Principal Regulations is amended, in paragraph (4), by the substitution of “31st day of December 2020” for “6th day of January 2021”.

7. Regulation 7 of the Principal Regulations is amended -

- (a) by the substitution of the following paragraphs for paragraphs (1) and (2):

“(1) A person shall not organise, or cause to be organised, a relevant event to be held in a relevant geographical location other than in accordance with paragraph (2).

(2) A person may organise a relevant event in a relevant geographical location where -

- (a) the event takes place indoors in accordance with Regulation 12(3A), or
- (b) the event takes place only outdoors and the person takes all reasonable steps to ensure that the event is attended or proposed to be attended by persons residing in no more than 2 different places of residence.”,

- (b) in paragraph (3), by the substitution of “does not exceed 10” for “does not exceed 25”, and

- (c) in paragraph (4), by the substitution of “Paragraph (1)” for “Paragraph (2)”.

8. Regulation 8 of the Principal Regulations is amended, in paragraph (2), by the substitution of “6 persons” for “25 persons”.

9. Regulation 9 of the Principal Regulations is amended, in paragraph (2) -

- (a) by the deletion of subparagraphs (c), (da) and (db), and
- (b) by the substitution of the following subparagraph for subparagraph (g):

“(g) is involved in the training and preparation of greyhounds for events held under the authority of Rásaíocht Con Éireann, or”.

10. Regulation 10 of the Principal Regulations is amended, in paragraph (3)

- (a) by the deletion of subparagraphs (c), (da) and (db), and
- (b) by the substitution of the following subparagraph for subparagraph (g):

“(g) is involved in the training and preparation of greyhounds for events held under the authority of Rásaíocht Con Éireann, or”.

11. Regulation 12 of the Principal Regulations is amended -

- (a) in paragraph (2)(b), by the substitution of “horseracing or greyhound racing” for “horseracing, coursing or greyhound racing”,
- (b) in paragraph (3), by the substitution of the following subparagraph for subparagraph (d):

“(d) Subject to Regulation 12A, a specified person shall ensure that members of the public are not permitted or otherwise granted access to a relevant premises except for the purpose of ordering, or collecting, or both, food or beverages (whether alcoholic or non-alcoholic) for consumption off such premises.”,

- (c) by the substitution for the following paragraph for paragraph (3A):

“(3A) (a) Subject to subparagraph (b), a specified person may, for the purpose of holding one or more live performances at the Abbey Theatre (Amharclann na Mainistreach), permit or otherwise grant access to no more than 2 members of the public to each live performance at such premises.

- (b) For the purposes of subparagraph (a), in reckoning the number of persons attending a live performance at the premises referred to in that subparagraph, no account shall be taken of persons so attending in a professional capacity,

in the course of their employment, or in fulfilment of a contract for services.”, and

(d) by the insertion of the following paragraph after (4):

“(5) In this Regulation, ‘relevant business or service’ means a business or service of a type specified in Schedule 2.”.

12. The Principal Regulations are amended by the insertion of the following Regulation after Regulation 12:

“Requirements in relation to hotels

- 12A. (1) (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 -
- (i) members of the public are not permitted, or otherwise granted, access to relevant premises, or permitted to remain on such premises,
 - (ii) relevant guests who are not resident in the relevant premises are not, during the relevant period, permitted, or otherwise granted, access to the relevant premises concerned, or permitted to remain on such premises, other than for the purpose of ordering, or collecting, or both, food or non-alcoholic beverages for consumption off such premises,
 - (iii) relevant guests who are resident in the relevant premises are not, during the relevant period, permitted to order alcoholic beverages, and
 - (iv) relevant guests are not permitted to purchase or otherwise acquire intoxicating liquor for consumption on the relevant premises unless the intoxicating liquor is -
 - (I) ordered by or on behalf of the relevant guest at the same time as a substantial meal is so ordered, during the meal or after the meal has ended, and
 - (II) consumed by that relevant guest during the meal or after the meal has ended whilst such guest is seated at a table.
- (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.

(2) A specified person shall, in relation to a relevant premises, make a record of the time and date that each relevant guest is permitted, or otherwise granted, access to the relevant premises, and the guest's name and telephone number and make a record of the substantial meal or meals ordered pursuant to paragraph (1)(b)(iv).

(3) A specified person shall retain and make available records made under paragraph (2) for the purposes of inspection by a member of the Garda Síochána acting in the course of his or her duties under these Regulations, or by a person appointed by the Health Service Executive for the purposes of the programme commonly known as the Covid-19 Contact Management Programme, for a period of 28 days after the records have been made.

(4) For the purposes of paragraph (2), a specified person may request a relevant guest to provide the specified person with the relevant guest's name and telephone number and, where that specified person does so, the relevant guest shall comply with that request.

(5) Paragraphs (1), (2) and (3) are penal provisions for the purposes of section 31A of the Act of 1947.

(6) In this Regulation -

'relevant period', in relation to a relevant premises to which, but for this paragraph, access by relevant guests may be lawfully permitted, or otherwise granted, on and after 11.30 p.m. on a particular day, means the period -

- (a) commencing at 11.30 p.m. on that day, and
- (b) 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 guest', in relation to a hotel or similar accommodation, means—

- (a) in the period referred to paragraph 16 of Schedule 2, a person staying in a hotel or similar accommodation referred to in that paragraph, and
- (b) in the period referred to in paragraph 17 of Schedule 2, a person staying in a hotel or similar accommodation in one or more of the circumstances referred to in subparagraphs (a) to (d) of that paragraph;

'relevant premises' means a premises in a relevant geographical location where a business or service—

- (a) in the period referred to in paragraph 16 of Schedule 2, of a type specified in that paragraph, or
- (b) in the period referred to in subparagraphs (a) to (d) of paragraph 17 of Schedule 2, of a type specified in that paragraph,

that is selling or supplying intoxicating liquor for consumption on the premises to relevant guests and that, but for this Regulation, is otherwise permitted by law to do so, is lawfully carried on or otherwise provided.”.

13. The Principal Regulations are amended, in Schedule 2 -

- (a) by the substitution of the following paragraph for paragraph 1:

“1. Theatres, (other than the Abbey Theatre (Amharclann na Mainistreach), in so far as that premises holds one or more live performances in accordance with Regulation 12 (3A)) concert halls, museums and art galleries (other than privately-owned art galleries offering artworks for sale).”,

- (b) by the substitution of the following paragraph for paragraph 15:

“15. Subject to paragraphs 16 and 17, outlets (including licenced premises) selling food or beverages whether on a retail or wholesale basis and whether in a non-specialised or specialised outlet, other than -

- (a) subject to Regulation 12(3), insofar as they sell food or beverages on a takeaway basis or for consumption off the premises, or
- (b) staff canteens operating for the exclusive use of persons working in, or at, a particular premises.”, and

- (c) by the insertion of the following paragraphs after paragraph 15:

“16. For the period beginning at 3.00 p.m. on the 24th day of December 2020 and ending on the 26th day of December 2020, hotels or other similar accommodation services other than insofar as they provide accommodation services and sell food or beverages for consumption on the premises by residents of the service.

17. For the period beginning on the 27th day of December 2020 and ending on the 12th day of January 2021, accommodation and food services other than the following:

- (a) hotel or similar accommodation services provided to persons who are guests of those hotels or similar accommodation on the 26th day of December 2020 until the date of their departure;
- (b) hotel or similar accommodation services provided to guests travelling for purposes other than social, recreational, cultural or tourist purposes;
- (c) hotel or similar accommodation services insofar as they provide essential accommodation (including accommodation for

homeless persons and persons in direct provision, persons who are unable to reside in their usual place of residence due to reasons related to the spread of Covid-19 or otherwise) and related services;

- (d) hotel or similar accommodation services provided to guests attending a wedding;
- (e) the provision of food or beverage takeaway or delivery services.

18. The following services insofar as they are provided on a commercial basis:

- (a) cosmetic nail care or nail styling;
- (b) hair care or hair styling;
- (c) the making available for use on a sunbed premises of sunbeds (within the meaning of the Public Health (Sunbeds) Act 2014 (No. 12 of 2014)).

19. The following services other than where such services are provided by a physiotherapist registered as such in accordance with the provisions of the Health and Social Care Professionals Act 2005 (No. 27 of 2005), or by a registered medical practitioner:

- (a) massage services;
- (b) cosmetic procedures, whether surgical or non-surgical.

20. Tattoo and piercing services insofar as they are provided on a commercial basis.

21. Cinemas, other than outdoor cinemas at which persons attending a screening do so in motor vehicles and remain in the vehicles without exiting the motor vehicles for the duration of such attendance.”.



GIVEN under my Official Seal,
23 December, 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. 9) Regulations 2020 (S.I. No. 560 of 2020) to provide for temporary restrictions on travel, indoor and outdoor events, and access by the public to a range of businesses and services.

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