



STATUTORY INSTRUMENTS.

S.I. No. 206 of 2020



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

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The Minister for Health, in exercise of the powers conferred on him 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 Finance, the Minister for Public Expenditure and Reform, the Minister for Justice and Equality, the Minister for Transport, Tourism and Sport and the Minister for Business, Enterprise and Innovation,

hereby makes 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. 2) Regulations 2020.

(2) These Regulations shall come into operation on the 8th day of June 2020.

Operation of Regulations

2. These Regulations shall remain in operation until the 29th day of June 2020.

Revocation

3. The Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) Regulations 2020 (S.I. No. 121 of 2020) are revoked.

Definitions

4. In these Regulations -

“Act of 1947” means the Health Act 1947 (No. 28 of 1947);

“Act of 2001” means the Local Government Act 2001 (No. 37 of 2001);

“applicable person” means a person whose place of residence is located within a relevant geographical location;

“permitted outlet” means an outlet of a type specified in Schedule 1;

“place of residence”, in relation to an applicable person, means -

- (a) the home in which the person is currently residing, or
- (b) if the person does not have a home or is not residing in his or her home, such other premises, if any, at which he or she is currently residing, whether on a permanent or temporary basis.

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

Restriction of movement of applicable persons in relation to exercise and social or recreational purposes

5. (1) Subject to paragraphs (2) to (4), an applicable person shall not engage or otherwise participate in relevant activities outside his or her place of residence (in this Regulation referred to as the “relevant residence”).

(2) An applicable person may, within the county in which the relevant residence is situated or in another county provided the person is within a 20 kilometre radius of the relevant residence -

- (a) exercise outdoors alone,
- (b) exercise outdoors -
 - (i) with other persons residing in the relevant residence,
 - (ii) with a maximum of 14 other persons who do not reside in the relevant residence, or
 - (iii) with a maximum of 14 other persons, where one or more such other persons resides in the relevant residence and one or more of such other persons does not so reside,
- (c) go out alone for recreational purposes,
- (d) gather together indoors for social or recreational purposes -
 - (i) with other persons residing in the relevant residence,
 - (ii) with a maximum of 5 other persons who do not reside in the relevant residence, or
 - (iii) with a maximum of 5 other persons, where one or more of such other persons resides in the relevant residence and one or more of such other persons does not so reside, or
- (e) gather together outdoors for social or recreational purposes -
 - (i) with other persons residing in the relevant residence,
 - (ii) with a maximum of 14 other persons who do not reside in the relevant residence, or
 - (iii) with a maximum of 14 other persons, where one or more of such other persons resides in the relevant residence and one or more of such other persons does not so reside.

(3) An applicable person may visit the place of residence of a vulnerable person for social or recreational purposes and gather together in that place of

residence for such purposes with the vulnerable person and a maximum of 4 other persons.

- (4) An applicable person may engage or otherwise participate in training relating to a sport, where -
- (a) the person, in respect of the sport concerned -
 - (i) is in receipt of financial support provided by Sport Ireland under the scheme commonly known and referred to as the Sport Ireland International Carding Scheme,
 - (ii) competes at a senior level and is a participant in a high performance training programme of the national governing body of the sport, which body receives, from Sport Ireland, financial support commonly known and referred to as the Sport Ireland High Performance Programme Funding, or
 - (iii) is a professional sportsperson who receives payment for training and playing the sport under a contract of employment with a soccer club or the rugby football organisation commonly known and referred to as the Irish Rugby Football Union,
 - (b) the training is supervised by a member of staff of Sport Ireland, a coach or a trainer, and
 - (c) it is in the best interests of the ongoing improvement, maintenance or enhancement of the person's performance in that sport to undergo such training.

(5) In this Regulation –

“county”, subject to paragraph (6), has the same meaning as it has in section 10 (amended by section 12 of the Local Government Reform Act 2014 (No. 1 of 2014)) of the Act of 2001, being a Local Government Area that is listed as a County in Schedule 5 to the Act of 2001;

“relevant activities” means activities that are engaged or otherwise participated in solely for -

- (a) social or recreational purposes, or
- (b) the purposes of exercise;

“social or recreational purposes” includes leisure or holiday purposes;

“vulnerable person” means -

- (a) a person who normally requires assistance in carrying out his or her daily activities,
- (b) a person who, although not normally requiring assistance in carrying out his or her daily activities, requires such assistance because he or she is -
 - (i) particularly susceptible to the risk posed to health by Covid-19, or

(ii) not in a position to leave his or her place of residence due to reasons related to the spread of Covid-19 or otherwise, or

(c) a child.

(6) For the purposes of these Regulations, a group of Local Government Areas specified in one of the following subparagraphs shall be deemed to be a single county:

(a) Dún Laoghaire-Rathdown, Fingal, South Dublin and Dublin City;

(b) Cork and Cork City;

(c) Galway and Galway City;

(d) Limerick City and County;

(e) Waterford City and County.

Restriction on events

6. (1) A person shall not organise, or cause to be organised, an event for cultural, entertainment, recreational, sporting, social, community or educational reasons other than –

(a) where one or both of the following applies:

(i) the maximum number of persons attending, or proposed to attend, the event (for whatever reason) does not exceed 15 persons;

(ii) the person organising the event or causing the event to be organised takes all reasonable steps to ensure that the number of persons attending, or proposed to attend, the event (for whatever reason) does not exceed 15 persons, or

(b) where the event is for educational reasons, it is held, or to be held, in a school, university, higher education facility, crèche or other registered childcare facility.

(2) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.

Carrying on or provision of relevant business or service

7. (1) A relevant person shall take all reasonable steps to ensure that members of the public are not permitted, or otherwise granted, access to a premises in a relevant geographical location, or to a part of such premises, where a relevant business or service is carried on or otherwise provided.

(2) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.

(3) For the avoidance of doubt, paragraph (1) does not prohibit -

- (a) the filming or other recording of performances in a theatre, concert hall, museum or art gallery, without an audience present, for the purposes of broadcasting such performances on the internet, radio or television,
- (b) the holding of horseracing or greyhound racing at a racecourse, where no persons are in attendance at the racecourse solely for the purposes of spectating such racing, or
- (c) the use of a premises, or part of a premises, for the purposes of -
 - (i) a meeting of a local authority (within the meaning of the Act of 2001), or
 - (ii) a sitting of one or both Houses of the Oireachtas or a committee thereof (within the meaning of section 2 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 (No. 33 of 2013)).

(4) In this Regulation -

“relevant business or service” means a business or service of a type specified in Schedule 2;

“relevant person”, in relation to a relevant business or service, means -

- (a) the occupier,
- (b) the manager, or
- (c) any other person for the time being in charge,

of the premises, or part of the premises, concerned.

SCHEDULE 1

Regulation 4

PERMITTED OUTLETS

1. Retail or wholesale outlets that can be accessed by pedestrians directly from a street entrance or carpark.
2. Outlets selling food or beverages on a takeaway basis, or newspapers, whether on a retail or wholesale basis and whether in a non-specialised or specialised outlet.
3. Outlets selling products necessary for the essential upkeep and functioning of places of residence and businesses, whether on a retail or wholesale basis.
4. Pharmacies, chemists and retailers or wholesalers providing pharmaceuticals or pharmaceutical or dispensing services, whether on a retail or wholesale basis.
5. Outlets selling health, medical or orthopaedic goods in a specialised outlet, whether on a retail or wholesale basis.
6. Heating fuel providers.
7. Outlets selling essential items for the health and welfare of animals (including animal feed and veterinary medicinal products, pet food, animal bedding and animal supplies), whether on a retail or wholesale basis.
8. Laundries and drycleaners.
9. Banks, post offices and credit unions.
10. Outlets selling safety supplies (including work-wear apparel, footwear and personal protective equipment), whether on a retail or wholesale basis.
11. Hardware outlets, builders' merchants, garden centres and outlets that provide, whether on a retail or wholesale basis -
 - (a) hardware products, supplies, tools, equipment or materials necessary for -
 - (i) home and business maintenance, or
 - (ii) construction and development,
 - (b) sanitation and farm equipment, or
 - (c) supplies and tools necessary for gardening, farming or agriculture purposes.
12. Markets that, wholly or principally, offer food for sale.
13. Optician and optometrist outlets.
14. Outlets providing hearing test services or selling hearing aids and appliances.

8 [206]

15. Outlets providing for the sale, supply, repair and maintenance of mechanically propelled vehicles or bicycles, and any related facilities (including tyre sales and repairs).
16. Outlets selling office products and services for businesses or for applicable persons working from their respective places of residence, whether on a retail or wholesale basis.
17. Outlets providing electrical, information and communications technology and telephone sales, repair and maintenance services.

SCHEDULE 2

Regulation 7

RELEVANT BUSINESSES OR SERVICES

1. Retail outlets that are not permitted outlets.
2. 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.
3. Theatres and concert halls.
4. Museums.
5. Art galleries, other than privately-owned art galleries offering artworks for sale.
6. Circuses.
7. Nightclubs and discotheques, including those licenced under the Public Dance Halls Act 1935 (No. 2 of 1935).
8. Bingo halls.
9. Casinos and Private Members' Clubs at which gambling activities are carried out.
10. Licensed bookmakers (within the meaning of the Betting Act 1931 (No. 27 of 1931)).
11. Ice skating rinks.
12. Roller skating rinks.
13. Aquariums.
14. Indoor leisure facilities, including bowling alleys, amusement arcades, dance studios, soft play areas and other indoor children's play areas.
15. Swimming pools, indoor fitness facilities and sports facilities, other than insofar as they are necessary for athletic use and training by persons specified in Regulation 5(4)(a) or the coaching and support personnel of such persons.
16. Funfairs, including funfairs within the meaning of the Gaming and Lotteries Act 1956 (No. 2 of 1956).
17. Amusement halls licensed in accordance with the Gaming and Lotteries Act 1956 (No. 2 of 1956).
18. Amusement parks and theme parks.
19. Gymnasiums (whether indoors or outdoors).
20. The following services insofar as they are provided on a commercial basis, 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.
21. 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)).
22. Tattoo and piercing services insofar as they are provided on a commercial basis.
23. Convention and conference centres, other than insofar as they provide essential accommodation facilities relating to the containment of Covid-19.
24. Hotels, caravan parks, camping grounds or similar accommodation services, other than insofar as they are providing -
- (a) essential accommodation (including accommodation for homeless persons and persons in direct provision and persons who are unable to reside in their usual place of residence due to reasons related to the spread of Covid-19 or otherwise),
 - (b) accommodation for a person that is necessary for the purposes of his or her work or employment,
 - (c) accommodation for a person that is necessary to permit or enable him or her to attend a funeral,
 - (d) accommodation for a person that is necessary to permit or enable him or her to fulfil legal obligations,
 - (e) accommodation for a person that is necessary to permit or enable him or her to receive medical or dental treatment, or
 - (f) accommodation for a person that is necessary for vital family reasons.
25. Outlets selling food or beverages (including an outlet in relation to which an on-licence (within the meaning of the Public Health (Alcohol) Act 2018 (No. 24 of 2018) applies whether on a retail or wholesale basis and whether in a non-specialised or specialised outlet, other than -
- (a) 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.
26. Auctions, other than livestock marts (within the meaning of the Animal Health and Welfare (Livestock Marts) Regulations 2018 (S.I. No. 128 of 2018)).
27. Racecourses.

28. Sports stadiums, campuses and sports training facilities other than insofar as the operation of such sports stadiums, campuses and sports training facilities is necessary for athletic use and training by persons specified in Regulation 5(4)(a) or by the coaching and support personnel of such persons.



GIVEN under the Official Seal of the Minister for Health,
8 June, 2020.

SIMON HARRIS,
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 for the unwinding of certain restrictions provided for in the Health Act 1947 (Section 31A - Temporary Restrictions)(Covid-19) Regulations 2020 (S.I. No. 121 of 2020), as amended, including the reopening of retail outlets and extending the distance that may be travelled for specified purposes.

The Regulations also provide for continued restrictions for some businesses or services and for offences, including in relation to events.

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