



STATUTORY INSTRUMENTS.

S.I. No. 352 of 2020



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

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(COVID-19) (NO. 5) 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, the Minister for Foreign Affairs and Trade and the Minister for Culture, Heritage and the Gaeltacht,

hereby make the following regulations:

PART 1

Preliminary and General

Citation and commencement

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 5) Regulations 2020.
- (2) These Regulations, other than Regulations 15(3) and 16, shall come into operation on the 19th day of September 2020.
- (3) Regulations 15(3) and 16 shall come into operation on the 21st day of September 2020.

Operation of Regulations

2. These Regulations shall remain in operation until the 10th day of October 2020.

Revocations

3. The following are revoked:
 - (a) the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 4) Regulations (S.I. 326 of 2020);

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 22nd September, 2020.*

- (b) the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 4) (Amendment) Regulations (S.I. 343 of 2020);
- (c) the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 4) (Amendment) (No. 2) Regulations (S.I. 344 of 2020);
- (d) the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19)(No. 4) (Amendment) (No. 3) Regulations (S.I. 347 of 2020).

Interpretation

4. (1) 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;

“child” means a person who has not attained the age of 18 years;

“club” means a club registered under the Registration of Clubs Acts 1904 to 2008;

“county” 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;

“County of Dublin” shall be construed in accordance with paragraph (2);

“county of residence”, in relation to an applicable person, means the county in which his or her place of residence is situated;

“licence”, in relation to premises, means a licence for the sale by retail of intoxicating liquor for consumption on or off the premises whether granted on production or without production of a certificate of the Circuit Court or District Court;

“necessary person” means, in relation to a sporting event, any person whose presence at the event is necessary for the event to take place, and includes -

- (a) an athlete or competitor participating in the event,
- (b) an athlete or competitor not immediately participating in the event but who intends to, or is likely to, participate in the event before its conclusion,
- (c) a member of staff of Sport Ireland or a member of staff of the relevant sporting body of an athlete or competitor participating in the event,
- (d) a coach or a trainer connected to the event,

- (e) medical personnel, including such personnel conducting doping testing, whose presence is required at the event,
- (f) a person who attends the event in order to ensure that it is conducted in accordance with the rules of the sport,
- (g) a person engaged by the organiser of the sporting event as a steward, whether in a remunerated or voluntary capacity, to implement crowd control, compliance with public health guidance and other safety measures,
- (h) a person whose attendance at the event is necessary for it to be reported, recorded or broadcast,
- (i) a person who is a parent or guardian of a person who -
 - (i) is participating in the event, and
 - (ii) is a child,
- (j) a person accompanying a person who is participating in the event, where that person normally requires assistance in carrying out his or her daily activities, or
- (k) a person providing necessary technical, administrative, logistical or other professional services to a person described in any of subparagraphs (a) to (j);

“place of residence” means -

- (a) in relation to a person who is ordinarily resident in the State -
 - (i) the home in which the person ordinarily resides, or
 - (ii) if the person does not have a home, such other premises, if any, at which he or she is currently residing, whether on a permanent or temporary basis, or
- (b) in relation to a person who is not ordinarily resident in the State, the premises in the State, if any, at which he or she is currently residing, whether on a permanent or temporary basis;

“premises” includes part of any premises;

“premises controller” means -

- (a) in relation to premises the subject of a licence, the holder of the licence, and
- (b) in relation to the premises of a club, every person whose name is entered in the register of clubs as an official or member of its committee of management or governing body at the material time;

“relevant county” means a county that is -

- (a) listed in Schedule 1, and
- (b) located in a relevant geographical location;

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

“relevant event” means an event held, or to be held, for social, recreational, exercise, cultural, entertainment or community reasons, but does not include -

- (i) an event to be held in a private dwelling,
- (ii) a wedding reception,
- (iii) a sporting event, or
- (iv) a training event;

“relevant person” means an applicable person whose place of residence is located within a relevant county;

“specified person”, in relation to any premises, means -

- (a) the premises controller of the premises,
- (b) the occupier of the premises,
- (c) the manager of the premises, or
- (d) any other person for the time being in charge of the premises;

“sporting event” means an event to be held in a location other than in a private dwelling that is -

- (a) so to be held wholly or partly for competitive sport reasons, regardless of the nature of the sport or the competitive standard in question,
- (b) organised under the structure of, licenced by, or otherwise authorised by -
 - (i) a national governing body of the sport in question, or
 - (ii) a school, university or higher education institution, and
- (c) not a training event;

“substantial meal” means a meal -

- (a) such as might be expected to be served as a main midday or main evening meal or as a main course at either such meal, and
- (b) that is of a kind, having regard to all the circumstances, for which it would be reasonable to charge a sum that is not less than €9;

“training event” means an event -

- (a) to be held in preparation for a sporting event, and
- (b) that is supervised by a member of staff of Sport Ireland, a coach or a trainer;

“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.

(2) In these Regulations, “County of Dublin” means the following Local Government Areas (within the meaning of the Act of 2001):

- (a) Dún Laoghaire-Rathdown;
- (b) Fingal;
- (c) South Dublin;
- (d) Dublin City,

and the said Local Government areas shall, for the purposes of these Regulations, be deemed to be a single county.

Part 2

Relevant geographical locations - national measures

Restriction on events in private dwellings

5. (1) Subject to Regulation 14, a person shall not organise, or cause to be organised, an event to be held in a private dwelling in a relevant geographical location other than in accordance with paragraph (2).

(2) A person may organise, or cause to be organised, an event to be held in a private dwelling in a relevant geographical location for social or recreational reasons where the person takes all reasonable steps to ensure that the persons attending, or proposed to attend, the event (for whatever reason) -

- (a) reside in no more than 3 different households, not including the private dwelling and, subject to paragraph (3), do not exceed 6 in number, or
- (b) reside in no more than one other household, not including the private dwelling.

(3) For the purposes of paragraph (2), in reckoning the number of households in which persons at an event in a private dwelling reside -

- (a) subject to subparagraph (b), an applicable person whose place of residence is the private dwelling shall be excluded,
- (b) a person who is not ordinarily resident in the State, regardless of his or her place of residence, shall be included, and
- (c) where the event is attended by -
 - (i) a child, and

- (ii) a parent or guardian of the child, who does not ordinarily reside with that child,

the parent or guardian, as the case may be, and the child shall be deemed to reside in the same household.

Restriction on certain events

6. (1) Subject to Regulation 15, a person shall not organise, or cause to be organised, a relevant event 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 the person takes all reasonable steps to ensure that the number of persons attending, or proposed to attend, the event does not exceed -

- (a) in the case of a relevant event held, or to be held, indoors, 50 persons,
- (b) in the case of a relevant event held, or to be held, outdoors and in a place other than a relevant venue, 100 persons, or
- (c) in the case of a relevant event held, or to be held, outdoors and in a relevant venue, 200 persons.

(3) For the purposes of this Regulation, in reckoning the number of persons attending a relevant event, 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.

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

(5) In this Regulation, 'relevant venue' means a stadium, arena, grandstand or other like venue that would, but for the restrictions on attendance at events provided for by these Regulations, be capable of accommodating, whether by fixed outdoor seating or by fixed standing areas, at least 5,000 spectators.

Wedding Receptions

7. (1) Subject to Regulation 16, a person shall not organise, or cause to be organised, a wedding reception in a relevant geographical location other than in accordance with paragraph (2).

(2) A person may organise, or cause to be organised, a wedding reception in a relevant geographical location in a premises other than a private dwelling where the person takes all reasonable steps to ensure that the maximum number of persons attending, or proposed to attend, the wedding reception does not exceed 50 persons.

(3) For the purposes of this Regulation, in reckoning the number of persons attending a wedding reception, 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.

Restriction on sporting events

8. (1) Subject to Regulation 17, a person shall not organise, or cause to be organised, a sporting event in a relevant geographical location unless the person takes all reasonable steps to ensure that the event is attended, or proposed to be attended, only by -

- (a) necessary persons, and
- (b) in the case of a sporting event held, or to be held -
 - (i) indoors, by no more than 50 other persons who are not necessary persons,
 - (ii) outdoors, other than in a relevant sporting venue, by no more than 100 other persons who are not necessary persons, or
 - (iii) outdoors, in a relevant sporting venue, by no more than 200 other persons who are not necessary persons.

(2) In this Regulation, “relevant sporting venue” means a stadium, arena, grandstand or other like venue that would, but for the restrictions on attendance at sporting events provided for by this Regulation, be capable of accommodating, whether by fixed outdoor seating or by fixed standing areas, at least 5,000 spectators.

Restriction on training events

9. (1) Subject to Regulation 18 and paragraph (3), a person shall not organise, or cause to be organised, a training event in a relevant geographical location other than in accordance with paragraph (2).

(2) A person may organise a training event in a relevant geographical location where the person takes all reasonable steps to ensure that -

- (a) other persons attending at, or otherwise participating in, the training event are organised into groups of -
 - (i) in the case of a training event to be held indoors, no more than 6 persons, or
 - (ii) in the case of a training event to be held outdoors, no more than 15 persons, and
- (b) a group referred to in subparagraph (a), and any person forming part of such a group, is not permitted to commingle, associate with, or otherwise come into physical contact with, another such group or any other person forming part of such other group.

(3) Paragraph (1) shall not apply to a training event in which every person participating in the event -

- (a) 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,

- (b) 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,
- (c) is a member of an inter-county team, at senior, under 20 or minor level, or for the senior club championship in a competition organised by the organisations commonly known and referred to as the Gaelic Athletic Association, the Ladies Gaelic Football Association or the Camogie Association,
- (d) is a professional sportsperson who receives payment for training and playing 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,
- (e) is involved in the training and preparation of racehorses for events held under the authority of Horse Racing Ireland, or
- (f) is a coach or trainer in respect of a person referred to in any of subparagraphs (a) to (e).

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;
- (c) any other 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, other than where (and without prejudice to the generality of paragraph (3)(b)) such intoxicating liquor is -
 - (i) ordered by or on behalf of the member of the public being permitted, or otherwise granted, access to the premises, 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 member during the meal or after the meal has ended.

- (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 premises where a business or service of a type specified in paragraph (2)(c) is lawfully carried on or otherwise provided, 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 premises, being premises where a business or service of a type specified in paragraph (2)(c) is lawfully carried on or otherwise provided 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.

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

Carrying on or provision of certain businesses or services that do not sell or supply intoxicating liquor for consumption on specified premises

11. (1) Subject to Regulation 19(4), a specified person shall ensure that members of the public are not, during the specified period -

- (a) permitted, or otherwise granted, access to specified premises, or
- (b) permitted to remain on specified premises,

except for the purpose of ordering, or collecting, or both, food or non-alcoholic beverages for consumption off the specified premises.

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

(3) In this Regulation -

“specified period”, in relation to specified premises to which, but for this Regulation, 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 -

- (a) commencing at 11.30 p.m. on that day, and
- (b) ending at -
 - (i) subject to subparagraph (ii), 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, or
 - (ii) 6.00 a.m. on the next succeeding day in any case where such first-mentioned access would extend beyond that time but for this Regulation;

“specified premises” means a premises in a relevant geographical location (including a relevant county) where -

- (a) food or non-alcoholic beverages may be lawfully sold or supplied for consumption on such premises, or
- (b) food or beverages may be lawfully sold or supplied for consumption on such premises but any beverage which is an intoxicating liquor may not be so consumed.

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

12. (1) A specified person shall, in relation to a premises referred to in Regulation 10(3)(b)(i) -

- (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,
- (c) make a record of the substantial meal or meals ordered, pursuant to Regulation 10(2)(c)(i), by each member of a party of persons and each sole person permitted, or otherwise granted, access to the premises, and
- (d) 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 retain and make available records -
- (a) in the case of records made under paragraph (1)(a), (b) and (c), for the purposes of inspection by a member of the Garda Síochána acting in the course of his or her duties under these Regulations, for a period of 28 days after the records have been made, and
 - (b) in the case of records made under paragraph (1)(a) and (b), for the purposes of inspection 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.
- (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 premises referred to in Regulation 10(3)(b)(i), 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;

Part 3

Relevant geographical locations - relevant counties measures

Restriction of movement relating to relevant counties

13. (1) A relevant person shall not travel from his or her county of residence to another county or to a state other than the State without reasonable excuse.

(2) Subject to paragraph (3), a person other than a relevant person shall not travel to a relevant county from any other county, including another relevant county (if any), without reasonable excuse.

(3) Paragraph (2) shall not apply to a person who travels to a relevant county in a vehicle or other form of transport where the person subsequently leaves the relevant county -

- (a) without having exited the vehicle or other form of transport for any reason other than to refuel the vehicle or other form of transport, as the case may be, or for reasons of an emergency, or
- (b) having exited the vehicle or other form of transport only insofar as is necessary for the purposes of making an onward journey to another part of the State or to a state other than the State.

(4) Without prejudice to the generality of what constitutes a reasonable excuse for the purposes of paragraphs (1) and (2), a reasonable excuse for travelling from the county of residence in the case of a relevant person, or travelling to a relevant county in the case of a person other than a relevant person, includes travelling in order to -

- (a) work, comply with a contract of employment or contract for services, or otherwise engage in work or employment,
- (b) without prejudice to the generality of subparagraph (a) –
 - (i) provide services to, or perform the functions of, an office holder appointed under any enactment or under the Constitution, or a member of either House of the Oireachtas, the European Parliament or a local authority, or
 - (ii) provide services essential to the functioning of diplomatic missions and consular posts in the State,
- (c) farm, carry out agricultural activities, or assist in farming or carrying out agricultural activities,
- (d) attend, for educational reasons, a school, university, higher education institution or other education and training facility or to accompany to such school, university, higher education institution or other education and training facility, any other person residing with the person, or a vulnerable person,
- (e) access crèche or other childcare facilities,
- (f) attend a medical or dental appointment, or accompany, to such an appointment, any other person residing with the person, or a vulnerable person,
- (g) seek essential medical, health or dental assistance for the person, for any other person residing with the person, or for a vulnerable person,
- (h) donate blood or accompany any other person residing with the person to donate blood,
- (i) seek veterinary assistance,
- (j) attend to vital family matters (including providing care to vulnerable persons),
- (k) attend a funeral,
- (l) fulfil a legal obligation (including attending court, satisfying bail conditions, or participating in ongoing legal proceedings), attend

- a court office where required, initiate emergency legal proceedings or execute essential legal documents,
- (m) if the person is a parent or guardian of a child, or a person having a right of access to a child, give effect to arrangements for access to the child by -
 - (i) the person, or
 - (ii) another person who is -
 - (I) a parent or guardian of the child, or
 - (II) a person having a right of access to the child,
 - (n) in the case of a minister of religion or priest (or any equivalent thereof in any religion) -
 - (i) lead worship or services remotely through the use of information and communications technology,
 - (ii) minister to the sick, or
 - (iii) conduct funeral or wedding services,
 - (o) move to another residence where, in all the circumstances of the case, such movement is reasonably necessary,
 - (p) return to the person's place of residence,
 - (q) where the person is not ordinarily resident in the State, leave the State, or
 - (r) provide emergency assistance, avoid injury or illness, or escape a risk of harm, whether to the person or to another person.

Restriction on events in private dwellings in relevant counties

14. (1) A person shall not organise, or cause to be organised, an event to be held in a private dwelling in a relevant county other than in accordance with paragraph (2).

(2) A person may organise, or cause to be organised, an event to be held in a private dwelling in a relevant county for social or recreational reasons where the person takes all reasonable steps to ensure that the persons attending, or proposed to attend, the event (for whatever reason) reside in no more than one other household, not including the private dwelling and subject to paragraph (3), do not exceed 6 in number.

(3) For the purposes of paragraph (2), in reckoning the number of households in which persons at an event in a private dwelling reside -

- (a) subject to subparagraph (b), an applicable person whose place of residence is the private dwelling shall be excluded,
- (b) a person who is not ordinarily resident in the State, regardless of his or her place of residence, shall be included, and
- (c) where the event is attended by -
 - (i) a child, and

- (ii) a parent or guardian of such the child, who does not ordinarily reside with that child,

the parent or guardian, as the case may be, and the child shall be deemed to reside in the same household.

Restrictions on certain events and funerals in relevant counties

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

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

- (a) the event takes place only outdoors and,
- (b) the person takes all reasonable steps to ensure that the event is attended, or proposed to be attended by no more than 15 persons.

(3) A person shall not organise, or cause to be organised, a funeral to be held in a relevant county other than where the number of people, excluding a minister of religion or priest (or any equivalent thereof in any religion), attending the funeral does not exceed 25.

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

Wedding Receptions in relevant counties

16. (1) A person shall not organise, or cause to be organised, a wedding reception in a relevant county other than in accordance with paragraph (2).

(2) A person may organise, or cause to be organised, a wedding reception in a relevant county in a premises other than a private dwelling where the person takes all reasonable steps to ensure that the maximum number of persons attending, or proposed to attend, the wedding reception does not exceed 25 persons.

(3) For the purposes of this Regulation, in reckoning the number of persons attending a wedding reception, 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.

Restriction on sporting events in relevant counties

17. (1) Subject to paragraph (2), a person shall not organise, or cause to be organised, a sporting event in a relevant county.

(2) A person may organise, or cause to be organised, a sporting event in a relevant county where the person takes all reasonable steps to ensure that -

- (a) the event is attended, or proposed to be attended, only by necessary persons, and
- (b) every person participating in the event -

- (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,
- (iii) is a member of an inter-county team, at senior, under 20 or minor level, or for the senior club championship in a competition organised by the organisations commonly known and referred to as the Gaelic Athletic Association, the Ladies Gaelic Football Association or the Camogie Association,
- (iv) is a professional sportsperson who receives payment for training and playing 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, or
- (v) is involved in the training and preparation of racehorses for events held under the authority of Horse Racing Ireland

Restriction on training events in relevant counties

18. (1) Subject to paragraph (3), a person shall not organise, or cause to be organised, a training event in a relevant county other than in accordance with paragraph (2).

(2) A person may organise a training event in a relevant county where the person takes all reasonable steps to ensure that -

- (a) the training event is held outdoors,
- (b) other persons attending at, or otherwise participating in, the training event are organised into groups of no more than 15 persons, and
- (c) a group referred to in subparagraph (b), and any person forming part of such a group, is not permitted to commingle, associate with, or otherwise come into physical contact with, another such group or any other person forming part of such other group.

(3) Paragraph (1) shall not apply to a training event in which every person participating in the event -

- (a) 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,
- (b) 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,

- (c) is a member of an inter-county team, at senior, under 20 or minor level, or for the senior club championship in a competition organised by the organisations commonly known and referred to as the Gaelic Athletic Association, the Ladies Gaelic Football Association or the Camogie Association,
- (d) is a professional sportsperson who receives payment for training and playing 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,
- (e) is involved in the training and preparation of racehorses for events held under the authority of Horse Racing Ireland, or
- (f) is a coach or trainer in respect of a person referred to in any of subparagraphs (a) to (e).

Carrying on or provision of certain businesses or services in relevant counties

19. (1) A specified person shall ensure that members of the public are not permitted, or otherwise granted, access to a premises in a relevant county, or to a part of such a premises, where a relevant business or service is carried on or otherwise provided.

(2) 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),
 - (ii) a meeting of a regional assembly (within the meaning of the Local Government Act 1991 (Regional Assemblies) (Establishment) Order 2014 (S.I. No. 573 of 2014)),
 - (iii) 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)), or
 - (iv) a meeting of a political party registered in the Register of Political Parties (within the meaning of Part III of the Electoral Act 1992 (No. 23 of 1992)) or a meeting of a parliamentary party of such political party.

- (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) A specified person shall ensure that members of the public are not permitted or otherwise granted access to a relevant premises other than where (and without prejudice to the generality of subparagraph (b)(ii)) the intoxicating liquor being sold or supplied for consumption on the premises is -
- (i) ordered by or on behalf of the member of the public being permitted, or otherwise granted, access to the premises, 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 member during the meal or after the meal has ended.
- (e) 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 in a relevant county where a business or service of a type specified in subparagraph (b) or (d) of paragraph 16 of Schedule 2 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) (a) A specified person shall ensure that members of the public are not, during the specified period -

- (i) permitted, or otherwise granted, access to a specified premises, or
 - (ii) permitted to remain on a specified premises, except for the purpose of ordering, or collecting, or both, food or non-alcoholic beverages for consumption off the specified premises.
- (b) In this paragraph -
- “specified period”, in relation to specified premises to which, but for this Regulation, 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 -
- (a) commencing at 11.30 p.m. on that day, and
 - (b) ending at -
 - (i) subject to subparagraph (ii), 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, or
 - (ii) 6.00 a.m. on the next succeeding day in any case where such first-mentioned access would extend beyond that time but for this Regulation;
- “specified premises” means a premises in a relevant county where -
- (a) food or non-alcoholic beverages may be lawfully sold or supplied for consumption on such premises, or
 - (b) food or beverages may be lawfully sold or supplied for consumption on such premises but any beverage which is an intoxicating liquor may not be so consumed.

(5) Paragraphs (1), (3) and (4) are penal provisions for the purposes of section 31A of the Act of 1947.

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

Other requirements in relation to certain premises referred to in Regulation 19

20. (1) A specified person shall, in relation to a relevant premises within the meaning of Regulation 19(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,
 - (c) make a record of the substantial meal or meals ordered, pursuant to Regulation 19(3)(b) by each member of a party of persons and each sole person permitted, or otherwise granted, access to the premises, and
 - (d) 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 19(3), 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 retain and make available records -
- (a) in the case of records made under paragraph (1)(a), (b) and (c), for the purposes of inspection by a member of the Garda Síochána acting in the course of his or her duties under these Regulations, for a period of 28 days after the records have been made, and
 - (b) in the case of records made under paragraph (1)(a) and (b), for the purposes of inspection 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.
- (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 19(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.

Part 4

Data Protection

Data protection

21. (1) Personal data collected for the purposes of these Regulations may be processed by -

- (a) a specified person for the purposes of -
 - (i) complying with the requirements of these Regulations, or
 - (ii) providing information to the Health Service Executive for the purposes referred to in paragraph (b),
- (b) the Health Service Executive for the purposes of the identification, tracing and contacting of persons who have been in contact with persons who have been diagnosed, or suspected of having been infected, with Covid-19, and
- (c) a member of the Garda Síochána for the purposes of -
 - (i) monitoring compliance by a specified person with, or
 - (ii) enforcement of these Regulations.

(2) For the purposes of these Regulations, a specified person, the Health Service Executive and the Garda Síochána are designated as data controllers in relation to personal data respectively processed by them pursuant to paragraph (1).

(3) Subject to paragraph (4), personal data collected for the purposes of these Regulations shall be permanently deleted no later than 28 days after the records referred to in Regulation 12 or 20 have been collected under paragraph (1) of Regulation 12 or 20, as the case may be.

(4) Where personal data collected in accordance with these Regulations are required for the purposes of the prevention, investigation, detection or prosecution of a criminal offence, the data -

- (a) may be processed for as long as they are required for such prevention, investigation, detection or prosecution, and
- (b) shall be permanently deleted after they are no longer required for such prevention, investigation, detection or prosecution.

(5) In this Regulation - “General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016¹ on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

¹ OJ No. L 119, 4.5.2016, p. 1.

“personal data” has the meaning it has in the General Data Protection Regulation;

“processing”, in relation to personal data, has the meaning it has in the General Data Protection Regulation.

SCHEDULE 1

Regulation 4

Relevant Counties

The County of Dublin

SCHEDULE 2

Regulation 19

Relevant businesses or services

1. 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.
2. Theatres and concert halls.
3. Museums.
4. Art galleries, other than privately-owned art galleries offering artworks for sale.
5. Circuses.
6. Nightclubs and discotheques, including those licenced under the Public Dance Halls Act 1935 (No. 2 of 1935).
7. Bingo halls.
8. Casinos and Private Members' Clubs at which gambling activities are carried out and which are operated on a commercial basis.
9. Ice skating rinks.
10. Roller skating rinks.
11. Aquariums.
12. Indoor leisure facilities, including bowling alleys, amusement arcades, dance studios, soft play areas and other indoor children's play areas.
13. Funfairs, including funfairs within the meaning of the Gaming and Lotteries Act 1956 (No. 2 of 1956).
14. Amusement halls licensed in accordance with the Gaming and Lotteries Act 1956 (No. 2 of 1956).
15. Amusement parks and theme parks.
16. Outlets selling food or beverages 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,
 - (b) insofar as they sell food or beverages for consumption in an area of part of the premises the entirety of which is situated outdoors and which holds no more than 15 people (not including persons engaging in such sale in a professional capacity, in the course of their employment, or in fulfilment of a contract for services) at any one time,
 - (c) staff canteens operating for the exclusive use of persons working in, or at, a particular premises, or

- (d) hotels or similar accommodation services insofar as they sell food or beverages for consumption on the premises by residents of the service.

17. Sports stadiums, campuses and sports training facilities other than insofar as -

- (a) they are available free of charge for informal and recreational use by members of the public,
- (b) their operation is necessary for athletic use and training by persons specified in Regulation 18(3) or by the coaching and support personnel of such persons, or
- (c) their operation is necessary for the purposes of organising an outdoor event for sporting reasons in accordance with Regulation 17 or 18, or for holding such an event.



GIVEN under my Official Seal,
19 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 revoke the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 4) Regulations (S.I. 326 of 2020), as amended. The Regulations limit the numbers of people attending indoor and outdoor events, with certain exceptions, and continue current restrictions in regard to access by the public to businesses and services. For the county of Dublin, the Regulations provide for further restrictions on indoor and outdoor events and further restrictions in regard to access by the public to businesses and services. They also provide for restrictions on travel into and out of the county of Dublin. The Regulations remain in operation until 10 October 2020.

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