



STATUTORY INSTRUMENTS.

**S.I. No. 597 of 2021**



HEALTH ACT 1947 (SECTIONS 31AB AND 31AD) (COVID-19)  
(OPERATION OF CERTAIN INDOOR PREMISES) (AMENDMENT) (NO.  
9) REGULATIONS 2021

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HEALTH ACT 1947 (SECTIONS 31AB AND 31AD) (COVID-19)  
(OPERATION OF CERTAIN INDOOR PREMISES) (AMENDMENT) (NO.  
9) REGULATIONS 2021

The Minister for Health, in exercise of the powers conferred on him by sections 5 and 31AB and 31AD (inserted by section 3 of the Health (Amendment) (No. 2) Act 2021 (No. 24 of 2021)) of the Health Act 1947 (No. 28 of 1947) and -

- (a) having regard to the matters specified in subsection (2) of section 31A, and
- (b) having consulted with the Minister for Foreign Affairs, the Minister for Housing, Local Government and Heritage, 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 makes the following regulations:

1. (1) These Regulations may be cited as the Health Act 1947 (Sections 31AB and 31AD) (Covid-19) (Operation of certain indoor premises) (Amendment) (No. 9) Regulations 2021.

(2) These Regulations shall come into operation on the 18th day of November 2021.

2. The Health Act 1947 (Sections 31AB and 31AD) (Covid-19) (Operation of certain indoor premises) Regulations 2021 (S.I. No. 385 of 2021) are amended -

- (a) by the insertion of the following regulation after Regulation 2:  
**“Additional classes of premises prescribed as relevant indoor premises**

**2A.** The following are prescribed as relevant indoor premises for the purposes of paragraph (c) of the definition of ‘relevant indoor premises’ in section 2 of the Act of 1947, in so far as they are not relevant indoor premises by virtue of paragraph (a) or (b) of that definition:

- (a) indoor theatres referred to in paragraph 3 of Schedule 2 to the Regulations of 2021;
  - (b) indoor cinemas referred to in paragraph 4 of Schedule 2 to the Regulations of 2021.”, and
- (b) in Regulation 3 -

- (i) in paragraph (1), by the insertion of “premises prescribed by Regulation 2A or” before “relevant entertainment premises”,
- (ii) by the insertion of the following paragraph after paragraph (1A):

“(1B) The following conditions are prescribed as additional conditions under section 31AB(4)(f) of the Act of 1947 for the purposes of subsection (3)(e) of that section, in respect of the premises prescribed by Regulation 2A:

- (a) the number of permitted persons allowed on the premises at any given time for the purposes of entertainment does not exceed the seating available in the premises at that time;
- (b) subject to subparagraph (c), the indoor operator shall record (whether in writing or electronically) in respect of each person permitted or otherwise granted access to the premises, the fact of the status of the person as a permitted person and the record of such status shall be by means of a box ticked or in a manner to the like effect to confirm such status;
- (c) a record made in accordance with subparagraph (b) shall -
  - (i) contain no personal data of a person referred to in that subparagraph,
  - (ii) not record the nature of, or any particulars stated in, a document shown by a person to an indoor operator for the purposes of proving that the person is a permitted person,
  - (iii) be retained for a period of 28 days,
  - (iv) be made available to a compliance officer by an indoor operator on request for the purposes of the performance by the officer of his or her functions, and
  - (v) not be made available to any person other than in accordance with clause (iv);
- (d) each entrance that permits or otherwise grants access to the public to the premises is supervised at all times by a member of staff of the indoor operator;

- (e) arrangements have been put in place such that would prevent access onto the premises by a person until it is confirmed by the indoor operator that the person is a permitted person;
  - (f) where the indoor operator is a responsible person within the meaning of the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (No. 2) Regulations 2020 (S.I. 571 of 2020) or any other regulations made under section 31A that replace or supplement those requirements, he or she has complied with his or her obligations under those regulations.”,
- (iii) in paragraph (2), by the substitution of “subparagraphs (a) to (g) of paragraph (1A), or subparagraphs (a) to (f) of paragraph (1B),” for “or subparagraphs (a) to (g) of paragraph (1A),”, and
- (iv) in paragraph (3)(a), by the substitution of “in paragraph (1), (1A) or (1B)” for “in paragraph (1) or (1A)”.



GIVEN under the Official Seal of the Minister for Health,  
17 November, 2021.

FERGAL GOODMAN,

A person authorised under section 15 of the Ministers and Secretaries Act 1924 to authenticate the seal of the 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 operation of S.I 385 of 2021 (Operation of certain indoor premises) to provide for both access to theatres and indoor cinemas for permitted persons with proof of immunity only.

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