



STATUTORY INSTRUMENTS.

S.I. No. 545 of 2021

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

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

I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me 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 make 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. 5) Regulations 2021.

(2) These Regulations shall come into operation on the 23rd day of October 2021.

2. In these Regulations, “Principal Regulations” means the Health Act 1947 (Sections 31AB and 31AD) (Covid-19) (Operation of certain indoor premises) Regulations 2021 (S.I. No. 385 of 2021).

3. Regulation 1 of the Principal Regulations is amended by the substitution of the following paragraph for paragraph (2):

“(2) These Regulations shall come into operation on the 26th day of July 2021 and shall have effect for the period beginning on that date and ending on the 9th day of November 2021.”.

4. Regulation 3 of the Principal Regulations is amended –

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

“(1) 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 relevant indoor premises other than relevant entertainment premises:

- (a) the number of permitted persons allowed on a relevant indoor premises for the purpose of consumption of food or beverages on the premises at any given time does not exceed the seating available in the premises;
- (b) food or beverages purchased for consumption on a relevant indoor premises are consumed by permitted persons only while seated in the premises;
- (c) subject to subparagraph (d), the indoor operator shall record (whether in writing or electronically) –
 - (i) in respect of each person permitted or otherwise granted access to the relevant indoor premises for the purposes of consumption of food or beverages on the premises or in a professional capacity, in the course of his or her employment or in fulfilment of a contract for services, 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), and
 - (ii) in respect of each person permitted or otherwise granted access to the premises for the purposes of consumption of food or beverages in the premises, the time of arrival of the person, or if the person is part of a group of people assigned to particular seating on the premises, the time of arrival of the first of that group of permitted persons who so arrives;
- (d) a record made in accordance with subparagraph (c) 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 a relevant 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);

- (e) each entrance that permits or otherwise grants access to the public to the relevant indoor premises is supervised at all times by a member of staff of the indoor operator;
 - (f) arrangements have been put in place such that would prevent access onto the premises by a person seeking to consume food or beverages in the premises until it is confirmed by the indoor operator that the person is a permitted person;
 - (g) 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 Regulations, he or she has complied with his or her obligations under those regulations.”,
- (b) by the substitution of the following paragraph for paragraph (1A):
- “(1A) 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 relevant entertainment premises:
- (a) subject to subparagraph (b), 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;
 - (b) a record made in accordance with subparagraph (a) 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);
- (c) each entrance that permits or otherwise grants access to the public to the relevant indoor premises is supervised at all times by a member of staff of the indoor operator;
- (d) 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;
- (e) 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.”,
- (c) by the substitution of the following paragraph for paragraph (2):

“(2) An indoor operator who breaches any of subparagraphs (a) to (g) of paragraph (1), or subparagraphs (a) to (e) of paragraph (1A), as the case may be, is guilty of an offence.”,
- (d) in paragraph (3), by the substitution of the following subparagraph for subparagraph (a):

“(a) the conditions referred to in paragraph (1) or (1A), as the case may be, and”, and
- (e) by the substitution of the following paragraph for paragraph (4):

“(4) In this Regulation, ‘relevant entertainment premises’ has the meaning it has in the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) Regulations 2021 (S.I. No. 217 of 2021).”.

GIVEN under my Official Seal,
22 October, 2021.

STEPHEN DONNELLY,
Minister for Health.

L.S.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

These draft regulations provide for technical drafting amendments to the current measures in S1 385 of 2021.

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