



STATUTORY INSTRUMENTS.

**S.I. No. 569 of 2020**

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HEALTH ACT 1947 (SECTION 31A – TEMPORARY RESTRICTIONS)  
(COVID-19) (FACE COVERINGS IN SMALL PUBLIC SERVICE  
VEHICLES AND CERTAIN PREMISES) REGULATIONS 2020

HEALTH ACT 1947 (SECTION 31A – TEMPORARY RESTRICTIONS)  
(COVID-19) (FACE COVERINGS IN SMALL PUBLIC SERVICE  
VEHICLES AND CERTAIN PREMISES) 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 Enterprise, Trade and Employment, the Minister for Transport and the Minister for Justice,

hereby make the following regulations:

**Citation**

1. These Regulations may be cited as the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Small Public Service Vehicles and Certain Premises) Regulations 2020.

**Operation of Regulations**

2. (1) These Regulations shall come into operation on the 3rd day of December 2020.

(2) These Regulations shall remain in operation until the 9th day of June 2021.

**Interpretation**

3. In these Regulations -

“Act of 1961” means the Road Traffic Act 1961 (No. 24 of 1961);

“face covering” means a covering of any type which when worn by a person covers the person’s nose and mouth;

“reasonable excuse” shall be construed in accordance with Regulation 6;

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

“small public service vehicle” has the same meaning as it has in the Act of 1961;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 4th December, 2020.*

“travel by small public service vehicle” includes entering a small public service vehicle;

“use” has the meaning assigned to it by section 22 of the Taxi Regulation Act 2013 (No. 37 of 2013).

### **Requirement to wear face covering when travelling by small public service vehicle**

4. (1) Subject to paragraph (2), a person shall not, without reasonable excuse, use or travel by small public service vehicle within a relevant geographical location without wearing a face covering.

(2) Paragraph (1) shall not apply to -

- (a) a person under the age of 13 years,
- (b) a member of the Garda Síochána in the course of performing his or her duties, or
- (c) a person using or travelling by small public service vehicle when –
  - (i) there is no other person in the vehicle, or
  - (ii) the vehicle is not being driven or used for the carriage of passengers for reward.

(3) Paragraph (1) is a penal provision for the purposes of section 31A of the Health Act 1947 (No. 28 of 1947).

### **Requirement to ensure face coverings are worn by passengers**

5. (1) Subject to paragraph (2), a person who is the driver of a small public service vehicle shall take reasonable steps, when the vehicle is being used for the carriage of passengers for hire or reward within a relevant geographical location, to ensure that each such passenger is wearing a face covering.

(2) Paragraph (1) shall not apply in respect of a passenger who –

- (a) is under the age of 13 years, or
- (b) has reasonable excuse for not wearing a face covering.

### **Reasonable excuse**

6. Without prejudice to the generality of what constitutes reasonable excuse for the purposes of Regulation 4(1), a person has reasonable excuse if -

- (a) the person cannot put on, wear or remove a face covering -
  - (i) because of any physical or mental illness, impairment, or disability, or
  - (ii) without severe distress,

- (b) the person needs to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise),
- (c) the person removes the face covering to provide emergency assistance or to provide care or assistance to a vulnerable person,
- (d) the person removes the face covering to avoid harm or injury, or the risk of harm or injury, or
- (e) the person removes the face covering in order to, and only for the time required to, take medication.

**Amendment of Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) Regulations 2020**

7. Part A of the Schedule to the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) Regulations 2020 (S.I. No. 296 of 2020) is amended by the insertion of the following paragraphs after paragraph 7:

“8. Bus Stations.

9. Rail Stations.”.



GIVEN under my Official Seal,  
2 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 provide from the 3<sup>rd</sup> of December 2020, for the wearing of face coverings in small public service vehicles and for an amendment to the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) Regulations 2020 (S.I. No. 296 of 2020) to provide for the wearing of face coverings in bus and rail stations.

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