



STATUTORY INSTRUMENTS.

S.I. No. 295 of 2020

HEALTH ACT 1947 (SECTION 31A – TEMPORARY RESTRICTIONS)
(COVID – 19) (RELEVANT COUNTIES) REGULATIONS 2020

**HEALTH ACT 1947 (SECTION 31A – TEMPORARY RESTRICTIONS)
(COVID – 19) (RELEVANT COUNTIES) 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 Justice and Equality,

hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid – 19) (Relevant Counties) Regulations 2020.

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

Operation of Regulations

2. (1) These Regulations shall remain in operation until the 23rd day of August 2020.

(2) These Regulations shall have effect notwithstanding any other Regulation made under section 31A of the Act of 1947 that conflicts with these Regulations.

Interpretation

3. 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 county;

“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;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th August, 2020.*

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

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

- (a) the premises that comprise the person’s home, 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 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;

“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.

Restriction of movement relating to relevant counties

4. (1) An applicable person shall not travel from his or her county of residence to another county without reasonable excuse.

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

(3) Paragraph (2) shall not apply to a person who travels to a relevant county in a vehicle, where the person subsequently leaves the relevant county without having exited the vehicle for any reason other than to refuel the vehicle or for reasons of an emergency.

(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 an applicable person, or travelling to a relevant county in the case of a person other than an applicable 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) farm, carry out agricultural activities, or assist in farming or carrying out agricultural activities,
- (c) attend a medical or dental appointment, or accompany, to such an appointment, any other person residing in the relevant residence or a vulnerable person,
- (d) seek essential medical, health or dental assistance for the person, for any other person residing with the person, or for a vulnerable person,
- (e) donate blood or accompany any other person residing in the relevant residence to donate blood,
- (f) seek veterinary assistance,
- (g) attend to vital family matters (including providing care to vulnerable persons),
- (h) attend a funeral,
- (i) 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,
- (j) 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,
- (k) 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 services,
- (l) move to another residence where, in all the circumstances of the case, such movement is reasonably necessary, or
- (m) provide emergency assistance, avoid injury or illness, or escape a risk of harm, whether to the person or to another person.

Restrictions on events and funerals

5. (1) A person shall not organise, or cause to be organised, an event for cultural, entertainment, sporting or community reasons to be held in a relevant county other than where one or more of the following applies -

- (i) in the case of an event to be held indoors, the maximum number of persons attending, or proposed to attend, the event (for whatever reason) does not exceed 6 persons,
- (ii) in the case of an event to be held outdoors, the maximum number of persons attending, or proposed to attend, the event (for whatever reason) does not exceed 15 persons,
- (iii) the person so organising the event, or so 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, in the case of an indoor event, 6 persons, and in the case of an outdoor event, 15 persons.

(2) A person shall not organise, or cause to be organised, a funeral to be held in a relevant county other than where-

- (i) the number of people, excluding a minister of religion or priest (or any equivalent thereof in any religion), attending an element of the funeral held outdoors does not exceed 25, and
- (ii) the number of people, excluding a minister of religion or priest (or any equivalent thereof in any religion), attending an element of the funeral held indoors does not exceed 6.

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

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

6. (1) Subject to paragraphs (2) to (4), an applicable person shall not engage or otherwise participate in a relevant activity 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 –

- (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 of 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 indoors for social or recreational purposes together with –
 - (i) other persons residing in the relevant residence,
 - (ii) a maximum of 5 other persons who do not reside in the relevant residence, provided that those persons, together, represent no more than three places of residence or
 - (iii) 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, provided that those persons, together, represent no more than three places of residence, or
- (e) gather outdoors for social or recreational purposes together with –
 - (i) other persons residing in the relevant residence,
 - (ii) a maximum of 14 other persons who do not reside in the relevant residence, or
 - (iii) 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 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,
 - (iii) is a member of an inter-county team, at senior or minor level, in a competition organised by the organisation commonly known and referred to as the Gaelic Athletic Association, or
 - (iv) 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.

(4) In this Regulation –

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

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

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

Carrying on or provision of relevant business or service

7. (1) A specified 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 county, or to a part of such a 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 a meeting of a local authority (within the meaning of the Act of 2001).

(4) In this Regulation –

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

“specified 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, where the relevant business or service is carried on or otherwise provided.

SCHEDULE 1

Regulation 3

RELEVANT COUNTIES

1. The county of Kildare.
2. The county of Laois.
3. The county of Offaly.

SCHEDULE 2*Regulation 7***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.
9. Licensed bookmakers (within the meaning of the Betting Act 1931 (No. 27 of 1931)).
10. Ice skating rinks.
11. Roller skating rinks.
12. Aquariums.
13. Indoor leisure facilities, including bowling alleys, amusement arcades, dance studios, soft play areas and other indoor children's play areas.
14. The following facilities, other than insofar as they are necessary for athletic use and training by persons specified in Regulation 6(3), or the coaching and support personnel of such persons:
 - (a) swimming pools (whether indoor or outdoor);
 - (b) indoor fitness facilities;
 - (c) indoor gyms;
 - (d) indoor sports facilities.
15. Funfairs, including funfairs within the meaning of the Gaming and Lotteries Act 1956 (No. 2 of 1956).
16. Amusement halls licensed in accordance with the Gaming and Lotteries Act 1956 (No. 2 of 1956).
17. Amusement parks and theme parks.

18. Hotels 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,
- (f) accommodation for a person that is necessary for vital family reasons, or
- (g) accommodation which was being provided at the time of the coming into operation of these Regulations, for the remainder of the period of time for which such accommodation was booked, providing that the provision of such accommodation is continuous.

19. 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,
- (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, or
- (c) staff canteens operating for the exclusive use of persons working in, or at, a particular premises.

20. Auctions, other than livestock marts (within the meaning of the Animal Health and Welfare (Livestock Marts) Regulations 2018 (S.I. No. 128 of 2018)).

21. Racecourses.

22. 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 6(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 or educational reasons in accordance with Regulation 6, or for holding such an event.

GIVEN under my Official Seal,
8 August, 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 for certain temporary restrictions in County Kildare, County Laois and County Offaly because of Covid-19. The Regulations remain in operation until 23 August 2020.

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