



STATUTORY INSTRUMENTS.

S.I. No. 665 of 2021

HEALTH ACT 1947 (SECTIONS 31AB AND 31AD) (COVID-19)
(OPERATION OF CERTAIN INDOOR PREMISES) (AMENDMENT)
(NO. 10) REGULATIONS 2021

HEALTH ACT 1947 (SECTIONS 31AB AND 31AD) (COVID-19)
(OPERATION OF CERTAIN INDOOR PREMISES) (AMENDMENT)
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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. 10) Regulations 2021.

(2) These Regulations shall come into operation on the 7th day of December 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 2(a) is amended –

- (a) in the definition of “Regulations of 2021”, by the substitution of “(S.I. No. 217 of 2021);” for “(S.I. 217 of 2021), and”, and
- (b) by the insertion of the following definition after the definition of “Regulations of 2021”:

“ ‘relevant entertainment premises’ has the meaning it has in Regulation 3 of the Regulations of 2021, and”.

4. Regulation 2A of the Principal Regulations is amended –

- (a) in paragraph (b), by the substitution of “Regulations of 2021;” for “Regulations of 2021.”, and

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 10th December, 2021.*

- (b) by the insertion of the following paragraph after paragraph (b):
 - “(c) indoor leisure facilities, including gyms but not including indoor swimming pools, whether or not such swimming pools are located within such facilities, referred to in paragraph 6 of Schedule 2 to the Regulations of 2021.”.

5. Regulation 3 of the Principal Regulations is amended –
 - (a) in paragraph (1) –
 - (i) in subparagraph (g), by the substitution of “those regulations.” for “those regulations;”, and
 - (ii) by the deletion of subparagraph (h),
 - (b) in paragraph (1A) –
 - (i) by the insertion of the following subparagraph after subparagraph (a):
 - “(aa) the number of permitted persons allowed on the premises for the purpose of entertainment or consumption of food or beverages on the premises at any given time does not exceed the seating otherwise lawfully permitted in the premises;”,
 - (ii) by the deletion of subparagraph (f),
 - (iii) by the insertion of the following subparagraph after subparagraph (f):
 - “(ff) food or beverages purchased for consumption on the premises are consumed by permitted persons only while seated in the premises;”, and
 - (iv) by the deletion of subparagraph (g),
 - (c) in paragraph (1B) –
 - (i) by the substitution of “paragraphs (a) and (b) of Regulation 2A:” for “Regulation 2A:”, and
 - (ii) in subparagraph (a), by the substitution of “otherwise lawfully permitted in” for “available in”,
 - (d) by the insertion of the following paragraph after paragraph (1B):
 - “(1C) 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(c):

- (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 premises is supervised at all times by a member of staff or agent 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.”,
 - (e) in paragraph (2), by the substitution of “subparagraphs (a) to (g) of paragraph (1), subparagraphs (a) to (ff) of paragraph (1A), subparagraphs (a) to (f) of paragraph (1B), or subparagraphs (a) to (e) of paragraph (1C),” for “subparagraphs (a) to (h) of paragraph (1), subparagraphs (a) to (g) of paragraph (1A), or subparagraphs (a) to (f) of paragraph (1B),”;
 - (f) in paragraph (3)(a), by the substitution of “paragraph (1), (1A), (1B) or (1C),” for “paragraph (1), (1A) or (1B),” and
 - (g) by the deletion of paragraph (4).
6. Regulation 4 of the Principal Regulations is amended –
- (a) in paragraph (1)(a), by the substitution of “subject to paragraphs (1A) and (1B), in relation to” for “in relation to”, and
 - (b) by the insertion of the following paragraphs after paragraph (1):

“(1A) A relevant guest shall not be considered to be prescribed as a ‘permitted person’ under paragraph (1) where the relevant guest is being permitted or otherwise granted access –

 - (a) to any part, other than the bedroom of the relevant guest, of the relevant accommodation premises where food or alcoholic or non-alcoholic beverages may be purchased or otherwise acquired, and consumed,
 - (b) to any part of the relevant accommodation premises, not otherwise referred to in subparagraph (a), which comprises, or would, save that it is situate in a relevant indoor accommodation premises,

comprise a relevant entertainment premises,

- (c) to any part of the relevant accommodation premises which is an indoor leisure facility, including a gym, but not including an indoor swimming pool, whether or not such swimming pool is located within such facility, or
- (d) in a case where the relevant guest is a person referred to at paragraph (b) of the definition of relevant guest, to any part of the relevant accommodation premises which is not directly connected to attendance at the wedding concerned.

(1B) Paragraph (1A) shall not apply to a relevant guest where the relevant guest is being provided, by or on behalf of the State, with essential accommodation, including by virtue of being a person who is homeless or a person in direct provision.”.

GIVEN under my Official Seal,
6 December, 2021.



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 amend the operation of S.I 385 of 2021 (Operation of certain indoor premises) to provide for access to gyms and leisure centres (excluding swimming pools) as well as hotel bars, restaurants and leisure facilities (with appropriate exemptions for persons who are homeless or availing of direct provision accommodation in relevant accommodation premises), with proof of immunity only. Wedding guests who are only attending the wedding related parts of the hotel will not have to provide proof of immunity for entry. The regulations also remove the provision to approach and queue at the bar along with ticketing requirements as a consequence of the closure of nightclubs and requirements for patrons to be seated in relevant entertainment premises.

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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

ISBN 978-1-3993-1283-7



€ 3.00

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