



STATUTORY INSTRUMENTS.

**S.I. No. 736 of 2021**

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HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)  
(COVID-19) (NO. 2) (AMENDMENT) (NO. 22) REGULATIONS 2021

HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)  
(COVID-19) (NO. 2) (AMENDMENT) (NO. 22) REGULATIONS 2021

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 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 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) (Amendment) (No. 22) Regulations 2021.

(2) These Regulations shall come into operation on the 20<sup>th</sup> day of December 2021.

2. In these Regulations, “Principal Regulations” means the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) Regulations 2021 (S.I. No. 217 of 2021).

3. Regulation 1(2) of the Principal Regulations is amended by the substitution of “30<sup>th</sup> day of January 2022” for “9<sup>th</sup> day of January 2022”.

4. Regulation 3 of the Principal Regulations is amended, in the definition of “relevant entertainment premises”, by the substitution of “means” for “means a premises”.

5. Regulation 13 of the Principal Regulations is amended -

- (a) in paragraph (5) -

- (i) in subparagraph (a), by the substitution of “are not, during the specified period” for “are not”, and
- (ii) in subparagraph (b), by the insertion of the following definition:
  - “ ‘specified period’ -
  - (a) subject to paragraph (b), in relation to a specified premises to which, but for this Regulation, access by members of the public may be lawfully permitted, or otherwise granted, on and after 8 p.m. on a particular day, means the period –
    - (i) commencing at 8 p.m. on that day, and
    - (ii) ending at –
      - (I) subject to clause (II), the later time on that day, or the later time on the next succeeding day, as the case may be, on and after which access by members of the public would no longer be lawful even if this Regulation had never been made, or
      - (II) 6.00 a.m. on the next succeeding day in any case where such first-mentioned access would extend beyond that time but for this Regulation, and
  - (b) in relation to a person availing of overnight accommodation services (including for social, recreational, cultural or tourist purposes), or a person attending a wedding, in a specified premises, to which, but for this Regulation, access by members of the public may be lawfully permitted, or otherwise granted, on and after midnight on a particular day, means the period –
    - (i) commencing at midnight on that day, and
    - (ii) ending at –
      - (I) subject to clause (II), the time on the next succeeding day on and after which access by members of the public would no longer be lawful even if this Regulation had never been made, or
      - (II) 6.00 a.m. on the next succeeding day in any case where such first-mentioned access would extend beyond that time but for this Regulation;”,

and

- (b) in paragraph (8), by the substitution of the following definition for the definition of “relevant period”:
  - “ ‘relevant period’ -

- (a) subject to paragraph (b), in relation to a relevant premises or a relevant accommodation premises to which, but for this Regulation, access by members of the public may be lawfully permitted, or otherwise granted, on and after 8 p.m. on a particular day, means the period -
  - (i) commencing at 8 p.m. on that day, and
  - (ii) ending at the later time on that day, or the later time on the next succeeding day, as the case may be, on and after which access by members of the public would no longer be lawful even if this Regulation had never been made, and
- (b) in relation to -
  - (i) a relevant guest in a relevant accommodation premises, or
  - (ii) a person attending a wedding in a relevant premises or a relevant accommodation premises,

to which, but for this Regulation, access by members of the public may be lawfully permitted, or otherwise granted, on and after midnight on a particular day, means the period -

  - (I) commencing at midnight on that day, and
  - (II) ending at the time on the next succeeding day on and after which access by members of the public would no longer be lawful even if this Regulation had never been made;”.

6. Regulation 13A(1) of the Principal Regulations is amended –
  - (a) in subparagraph (a), by the substitution of “paragraphs (3) and (5),” for “paragraphs (3) and (5)), and”,
  - (b) by the substitution of the following subparagraph for subparagraph (b):
 

“(b) the number of persons attending, or proposed to attend, the event does not exceed 1,000 persons or 50 percent of the seating otherwise lawfully permitted in the premises for that event, whichever is the fewer, and”, and
  - (c) by the insertion of the following subparagraph after subparagraph (b):
 

“(c) the persons attending, or proposed to attend, the event are not permitted to be in attendance at the event during the period -
 
    - (i) commencing at 8 p.m. on a particular day, and
    - (ii) ending at -

- (I) subject to subclause (II), the later time on that day, or the later time on the next succeeding day, as the case may be, on and after which access by members of the public would no longer be lawful even if this Regulation had never been made, or
- (II) 6.00 a.m. on the next succeeding day in any case where such first-mentioned access would extend beyond that time but for this Regulation.”.

7. Regulation 13B(1) of the Principal Regulations is amended -

- (a) in subparagraph (a), by the substitution of “paragraphs (3) and (4),” for “paragraphs (3) and (4)), and”,
- (b) by the substitution of the following subparagraph for subparagraph (b):
  - “(b) the number of persons attending, or proposed to attend, the event does not exceed 1,000 persons or 50 percent of the seating otherwise lawfully permitted in the premises for that event, whichever is the fewer, and”, and
- (c) by the insertion of the following subparagraph after subparagraph (b):
  - “(c) the persons attending, or proposed to attend, the event are not permitted to be in attendance at the event during the period -
    - (i) commencing at 8 p.m. on a particular day, and
    - (ii) ending at -
      - (I) subject to subclause (II), the later time on that day, or the later time on the next succeeding day, as the case may be, on and after which access by members of the public would no longer be lawful even if this Regulation had never been made, or
      - (II) 6.00 a.m. on the next succeeding day in any case where such first-mentioned access would extend beyond that time but for this Regulation.”.

8. The Principal Regulations are amended by the insertion of the following regulations after Regulation 13B:

**“Outdoor relevant events and sporting events - capacity**

13C. (1) A person shall not organise, or cause to be organised, a relevant event or a sporting event outdoors (including an event in a relevant entertainment premises) in a relevant geographical location, other than where the person takes all reasonable steps to ensure that

the number of persons attending, or proposed to attend, the event does not exceed 5,000 persons or 50 percent of the otherwise lawful permitted capacity of the premises, whichever is the fewer.

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

(3) For the purposes of this Regulation, in reckoning the permitted number of persons attending a relevant event or a sporting event, no account shall be taken -

- (a) in the case of a sporting event, of necessary persons, or
- (b) of persons so attending in a professional capacity, in the course of their employment, or in fulfilment of a contract for services.

### **Indoor Cinemas**

13D. (1) Without prejudice to the generality of Regulation 12, a specified person shall ensure that -

- (a) the number of persons attending, or proposed to attend, a screening at an indoor cinema does not exceed 1,000 persons or 50 percent of the seating otherwise lawfully permitted at that screening, whichever is the fewer, and
- (b) members of the public are not permitted to be in attendance at the indoor cinema during the period -
  - (i) commencing at 8 p.m. on a particular day, and
  - (ii) ending at -
    - (I) subject to subclause (II), the later time on that day, or the later time on the next succeeding day, as the case may be, on and after which access by members of the public would no longer be lawful even if this Regulation had never been made, or
    - (II) 6.00 a.m. on the next succeeding day in any case where such first-mentioned access would extend beyond that time but for this Regulation.

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

(3) For the purposes of this Regulation, in reckoning the permitted number of persons attending a screening at an indoor cinema, no account shall be taken of persons so attending in a professional capacity, in the course of their employment, or in fulfilment of a contract for services.

## Weddings

13E. (1) A person shall not organise, or cause to be organised, a wedding in a relevant geographical location other than in accordance with paragraph (2).

(2) A person may organise, or cause to be organised, a wedding in a relevant geographical location in a premises or premises, as the case may be, other than a dwelling, where the person takes all reasonable steps to ensure that the number of persons attending, or proposed to attend, the wedding does not exceed 100.

(3) For the purposes of this Regulation, in reckoning the number of persons attending a wedding, no account shall be taken of -

- (a) the persons getting married, or
- (b) persons so attending in a professional capacity, in the course of their employment, or in fulfilment of a contract for services.”.

GIVEN under my Official Seal,  
19 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 provide for amendments to the national Regulations S.I. 217 of 2021 to provide for a closing time of 8pm for indoor hospitality and indoor events as well as a maximum of 50% capacity or 1,000 persons (whichever number is fewer) for indoor events and a maximum 50% capacity or 5,000 persons (whichever number is fewer) for outdoor events. (This 8pm closing time does not apply to overnight guests in hotels and wedding guests.) It also provides for a maximum of 100 persons at a wedding reception.

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