



STATUTORY INSTRUMENTS.

S.I. No. 664 of 2021

HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (NO. 2) (AMENDMENT) (NO. 21) REGULATIONS 2021

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(COVID-19) (NO. 2) (AMENDMENT) (NO. 21) 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. 21) 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 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) Regulations 2021 (S.I. No. 217 of 2021).

3. Regulation 3 of the Principal Regulations is amended –

- (a) in the definition of “relevant entertainment premises” –
 - (i) by the deletion of paragraph (a), and
 - (ii) by the deletion of paragraph (b)(iii)(IV), and
- (b) in the definition of “relevant event” –
 - (i) by the deletion of “exercise,”
 - (ii) in paragraph (c), by the substitution of “event, or” for “event,”
 - (iii) by the substitution of the following paragraph for paragraph (d):

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

“(d) a training event that is held without spectators;”, and

(iv) by the deletion of paragraph (e).

4. Regulation 12(1) of the Principal Regulations is amended by the substitution of “and notwithstanding the generality of Regulations 13A and 13B, a specified person shall” for “, a specified person shall”.

5. Regulation 13(1)(b) of the Principal Regulations is amended –

- (a) in clause (iii), by the deletion of “other than a relevant entertainment premises”, and
- (b) in clause (iv), by the deletion of “other than a relevant entertainment premises”.

6. The Principal Regulations are amended by the insertion of the following Regulations after Regulation 13:

“Indoor relevant events – capacity

13A. (1) A person shall not organise, or cause to be organised, a relevant event indoors (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 –

- (a) persons attending, or proposed to attend, the event are seated (other than the persons referred to in paragraphs (3) and (5)), and
- (b) the number of persons attending, or proposed to attend, the event does not exceed 50 percent of the seating otherwise lawfully permitted in the premises for that event.

(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, 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.

(4) Paragraph (1) shall not apply to an event organised in a premises referred to in paragraph 2 of Schedule 2, other than where such premises is also a relevant entertainment premises.

(5) The requirement in paragraph (1) to take all reasonable steps to ensure that persons attending an event are seated shall not apply in respect of persons at the event who are not seated for such period as is strictly necessary in order to –

- (a) access a toilet facility,
- (b) order, collect or pay for food or beverages,
- (c) access the seating area within the premises,
- (d) leave the premises,
- (e) access an outdoor seating area or smoking area, or
- (f) respond to unavoidable reasons of an emergency nature to protect a person's health or welfare.

Sporting events – capacity

13B. (1) A person shall not organise, or cause to be organised, a sporting event indoors in a relevant geographical location other than where the person takes all reasonable steps to ensure that –

- (a) the persons attending, or proposed to attend, the event are seated (other than the persons referred to in paragraphs (3) and (4)), and
- (b) the number of persons attending, or proposed to attend, the event does not exceed 50 percent of the seating otherwise lawfully permitted in the premises for that event.

(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 sporting event, no account shall be taken –

- (a) 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.

(4) The requirement in paragraph (1) to take all reasonable steps to ensure that persons attending an event are seated shall not apply in respect of persons at the event who are not seated for such period as is strictly necessary in order to –

- (a) access a toilet facility,
- (b) order, collect or pay for food or beverages,
- (c) access the seating area within the premises,
- (d) leave the premises,
- (e) access an outdoor seating area or smoking area, or
- (f) respond to unavoidable reasons of an emergency nature to protect a person's health or welfare.”.

7. Schedule 2 to the Principal Regulations is amended by the insertion of the following paragraphs after paragraph 4:

“5. Nightclubs and discotheques, including those licensed under the Public Dance Halls Act 1935 (No. 2 of 1935).

6. Indoor leisure facilities, including gyms but not including indoor swimming pools, whether or not such swimming pools are located within such facilities (insofar as such business or service is not already provided for in paragraph 1 or 2).”.

GIVEN under my Official Seal,
6 December, 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 regulations provide for consequential amendments to the national Regulations SI 217 of 2021 and amend these regulations further to prohibit the operation of nightclubs and discotheques including those licenced under the Public Dance Halls Act 1935 (No. 2 of 1935). They also introduce a maximum capacity of 50% at indoor entertainment, cultural, community and sporting events which must be fully seated. This requirement will include theatres and cinemas but will not include bars, restaurants and cafes.

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