



STATUTORY INSTRUMENTS.

S.I. No. 193 of 2021

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

HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (AMENDMENT) (NO. 2) 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) (Amendment) (No. 2) Regulations 2021.

(2) These Regulations shall come into operation on the 26th day of April 2021.

2. In these Regulations, “Principal Regulations” means the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) Regulations 2021 (S.I. No. 168 of 2021).

3. Regulation 3 of the Principal Regulations is amended –

- (a) by the insertion of the following definitions:

“ ‘dance rehearsal event’ means an event held or to be held in a location other than in a dwelling wholly or partly for the purposes of –

- (a) learning, rehearsing, practising or choreographing a dance or dance routines, or

- (b) training or preparing for a dance competition or examination;

‘relevant recreational premises’ means a premises that is –

- (a) a botanical garden,
- (b) a nature reserve,
- (c) an outdoor heritage site,
- (d) an outdoor tourism site,
- (e) a zoo that is –
 - (i) licenced in accordance with the European Communities (Licensing and Inspection of Zoos) Regulations 2003 (S.I. No. 440 of 2003), or
 - (ii) exempted from the requirements of the European Communities (Licensing and Inspection of Zoos) Regulations 2003 in accordance with Regulation 11 of those Regulations,
- (f) a wildlife park, or other outdoor animal collection, that is not a zoo,
- (g) an outdoor premises that maintains farm animals in order to attract visitors for leisure purposes, or
- (h) used for outdoor sporting, outdoor recreational or outdoor exercise purposes,

but does not include –

- (i) a funfair,
 - (ii) a theme park or amusement park,
 - (iii) a circus,
 - (iv) a campsite,
 - (v) a caravan park, or
 - (vi) an aquarium;”;
- (b) in the definition of “relevant event” –
- (i) in paragraph (c), by the substitution of “sporting event,” for “sporting event, or”,
 - (ii) in paragraph (d), by the substitution of “training event, or” for “training event;”, and

- (iii) by the insertion of the following paragraph after paragraph (d):
 - “(e) a dance rehearsal event;”, and
- (c) by the substitution of the following definition for the definition of “vaccinated person”:

“‘vaccinated person’ means –

 - (a) in relation to a person to whom the medicinal product for active immunisation to prevent Covid-19 known as ‘COVID-19 Vaccine Moderna CX-024414’ has been administered –
 - (i) as part of the vaccination programme against Covid-19 implemented by the Health Service Executive on behalf of the State, or
 - (ii) as part of a vaccination programme (howsoever described) against Covid-19 implemented on behalf of another state, country, territory, region or other place outside the State,
 - such person not less than 14 days after a second dose of that medicinal product has been administered to that person,
 - (b) in relation to a person to whom the medicinal product for active immunisation to prevent Covid-19 known as ‘Vaxzevria (previously COVID-19 Vaccine AstraZeneca) ChAdOx1-SARS-COV-2’ has been administered –
 - (i) as part of the vaccination programme against Covid-19 implemented by the Health Service Executive on behalf of the State, or
 - (ii) as part of a vaccination programme (howsoever described) against Covid-19 implemented on behalf of another state, country,

- territory, region or other place outside the State,
- such person not less than 15 days after a second dose of that medicinal product has been administered to that person,
- (c) in relation to a person to whom the medicinal product authorised for active immunisation to prevent Covid-19 known as ‘Comirnaty BNT162b2’ has been administered –
- (i) as part of the vaccination programme against Covid-19 implemented by the Health Service Executive on behalf of the State, or
 - (ii) as part of a vaccination programme (howsoever described) against Covid-19 implemented on behalf of another state, country, territory, region or other place outside the State,
- such person not less than 7 days after a second dose of that medicinal product has been administered to that person, or
- (d) in relation to a person to whom the medicinal product for active immunisation to prevent Covid-19 known as ‘COVID-19 Vaccine Janssen (Ad26.COV2-S [recombinant])’ has been administered –
- (i) as part of the vaccination programme against Covid-19 implemented by the Health Service Executive on behalf of the State, or
 - (ii) as part of a vaccination programme (howsoever described) against Covid-19 implemented on behalf of another state, country, territory, region or other place outside the State,

such person not less than 14 days after that medicinal product has been administered to that person;”.

4. Regulation 4 of the Principal Regulations is amended, in paragraph (3)(a)(i), by the substitution of “an essential retail outlet, a relevant recreational premises or an essential service” for “an essential retail outlet or an essential service”.

5. Regulation 8(3) of the Principal Regulations is amended, in the definition of “essential worker”, by the substitution of “an essential retail outlet, a relevant recreational premises or an essential service” for “an essential retail outlet or an essential service”.

6. Regulation 10 of the Principal Regulations is amended, in paragraph (2), by the substitution of “25” for “10”.

7. Regulation 10A of the Principal Regulations is amended by the substitution of the following paragraph for paragraph (4):

“(4) In this Regulation –

‘specified event’ means an event other than –

- (a) a wedding reception,
- (b) a funeral,
- (c) a training event,
- (d) a sporting event , or
- (e) a dance rehearsal event;

‘wedding reception’ includes a wedding service.”.

8. Regulation 12 of the Principal Regulations is amended, in paragraph (2)(b) –

- (a) in clause (vi), by the substitution of “Rásáiocht Con Éireann,” for “Rásáiocht Con Éireann, or”,
- (b) in clause (vii), by the substitution of “provided, or” for “provided.”, and
- (c) by the insertion of the following clause after clause (vii):

“(viii) is a member of an inter-county team, at senior level, in a competition organised by the organisations commonly

known and referred to as the Gaelic Athletic Association, the Ladies Gaelic Football Association or the Camogie Association.”.

9. Regulation 13 of the Principal Regulations is amended –

- (a) by the substitution of the following paragraph for paragraph (1):

“(1) Subject to paragraph (2), a person shall not organise, or cause to be organised, a training event or a dance rehearsal event in a relevant geographical location other than in accordance with paragraph (1A).”, and

- (b) by the insertion of the following paragraph after paragraph (1):

“(1A) A person may organise a training event or a dance rehearsal event in a relevant geographical location where the person takes all reasonable steps to ensure that –

- (a) other persons attending at, or otherwise participating in, the event are organised into groups of no more than 15 persons,
- (b) a group referred to in subparagraph (a), and any person forming part of such a group, is not permitted to commingle, associate with, or otherwise come into physical contact with, another such group or any other person forming part of such other group,
- (c) the event is held outdoors, and
- (d) every person attending at, or otherwise participating in, the event is –
 - (i) a child,
 - (ii) a person in full-time secondary education,
 - (iii) a parent or guardian of a person referred to in clause (i) or (ii), or
 - (iv) a member of staff of Sport Ireland, a coach, a trainer or a dance instructor.”.

10. Regulation 14 of the Principal Regulations is amended –

- (a) in paragraph (1), by the substitution of “in accordance with paragraph (2) or (2A)” for “in accordance with paragraph (2)”,
- (b) in paragraph (2)(b) –
 - (i) in clause (ii), by the substitution of “to provide the essential service, or” for “to provide the essential service.”, and
 - (ii) by the insertion of the following clause after clause (ii):
 - “(iii) where the premises is owned or operated by a local authority, provided that such access is granted, or otherwise permitted, only to such part of the premises as is made available to members of the public for the use of toilet facilities.”, and
- (c) by the insertion of the following paragraph after paragraph (2):

“(2A) A specified person may permit, or otherwise grant, access to a relevant recreational premises in a relevant geographical location to a worker or a member of the public where the part of the premises to which access is so permitted or granted is –

 - (a) located outdoors, provided that such access is so permitted or granted, for the purposes of –
 - (i) a relevant event organised in accordance with Regulation 10(1),
 - (ii) a sporting event organised in accordance with Regulation 12(2), or
 - (iii) a training event or a dance rehearsal event organised in accordance with Regulation 13(1A), or
 - (b) located indoors and –
 - (i) is an essential retail outlet,

- (ii) in which an essential service is provided, or
- (iii) provides toilet facilities that are necessary for the operation of the relevant recreational premises.”.

GIVEN under my Official Seal,
24 April, 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 Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) Regulations 2021 (S.I. No. 168 of 2021) to provide for the opening of outdoor sport facilities, certain outdoor visitor attractions, and technical amendments. The Regulations remain in operation until 04 May 2021.

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