



STATUTORY INSTRUMENTS.

S.I. No. 544 of 2021

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

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

(2) These Regulations shall come into operation on the 23rd day of October 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 of the Principal Regulations is amended by the substitution of the following paragraph for paragraph (2):

“(2) These Regulations shall, subject to paragraphs (3) and (4), come into operation on the 10th day of May 2021 and shall have effect for the period beginning on that date and ending on the 9th day of November 2021.”.

4. Regulation 3 of the Principal Regulations is amended –

- (a) by the substitution of the following definition for the definition of “Act of 1927”:

- “ ‘Act of 1927’ means the Intoxicating Liquor Act 1927 (No. 15 of 1927);”, and
- (b) by the substitution of the following definition for the definition of “relevant entertainment premises”:
- “ ‘relevant entertainment premises’ means a premises –
- (a) where the business or service of a nightclub or discotheque (including those licensed under the Public Dance Halls Act 1935 (No. 2 of 1935)) is carried on or otherwise provided, or
 - (b) a premises –
- (i) at which a live performance takes place,
 - (ii) at which there is, on the date that the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) (Amendment) (No. 19) Regulations 2021 (S.I. No. 544 of 2021) come into operation –
 - (I) a designated performance area, stage or booth for performers, and
 - (II) a designated dance floor, standing area or seating area used exclusively for the purposes of viewing the area, stage or booth referred to in clause (I), and
 - (iii) in relation to which one or more of the following has been granted:
 - (I) an on-liscence (within the meaning of the Public Health (Alcohol) Act 2018 (No. 24 of 2018));
 - (II) a theatre licence (within the meaning of section 1 of the Act of 1927);
 - (III) a special exemption order (within the meaning of section 5 of the Act of 1927);
 - (IV) a public dancing licence (within the meaning of section 2 of the Public Dance Halls Act 1935);
 - (V) a public music and singing licence (within the meaning of Part IV of the Public Health Acts Amendment Act 1890);
 - (VI) an occasional licence (within the meaning of section 6 of Act of 1927);”.

5. Regulation 13 of the Principal Regulations is amended –

(a) in paragraph (1), by the substitution of the following subparagraph for subparagraph (b):

“(b) Without prejudice to the generality of Regulation 12, and except to the extent to which it is lawful for an indoor operator to permit or otherwise grant access to a premises in accordance with section 31AB of the Act of 1947, or in accordance with any regulations made under that section, a specified person shall ensure that –

(i) members of the public are not permitted, or otherwise granted, access to a part of a relevant premises or relevant accommodation premises that is indoors, or permitted to remain in an indoor part of such premises, other than for as long as is strictly required for the purposes of –

(I) accessing an indoor toilet facility,

(II) ordering or collecting, or both, food or beverages for consumption off such premises,

(III) paying for goods sold or services provided, or both, at the premises,

(IV) accessing an outdoor seating area or smoking area, or

(V) accessing, for unavoidable reasons of an emergency nature, indoor parts of the premises to protect a person’s health or welfare, and

(ii) persons are not permitted to purchase or otherwise acquire intoxicating liquor for consumption –

(I) on a relevant premises (other than a relevant entertainment premises) unless the intoxicating liquor is consumed by that person whilst such person is seated at an outdoor table, or

(II) on a relevant accommodation premises (other than a relevant entertainment premises), unless the intoxicating liquor is consumed by a relevant guest whilst such guest is seated at a table.”,

(b) by the deletion of subparagraph (c) of paragraph (1),

(c) by the substitution of the following paragraph for paragraph (2):

“(2) A specified person shall, in relation to a relevant premises or a relevant accommodation premises (other than a relevant entertainment premises) –

- (a) in the case of a party of persons being permitted, or otherwise granted, access to the premises for the purpose of the consumption of food or beverages, make a record of the time at, and date on, which the first member of the party (in this Regulation referred to as a ‘lead person’) was permitted, or otherwise granted, access to the premises, and that person’s name and telephone number, and
- (b) in the case of a person permitted, or otherwise granted, access to the premises for the purpose of the consumption of food or beverages who is not a member of a party of persons (in this Regulation referred to as a ‘sole person’), make a record of the time at, and date on, which the person was permitted, or otherwise granted, access to the premises, and that person’s name and telephone number.”,
- (d) by the substitution of the following paragraph for paragraph (2A):

“(2A) Names and telephone numbers recorded by a specified person for the purposes of paragraph (2) or (2B), as the case may be, shall not be made available to a compliance officer (within the meaning of section 2 of the Act of 1947).”,
- (e) by the substitution of the following paragraph for paragraph (2B):

“(2B) A specified person shall, in relation to a relevant entertainment premises, in the case of each person permitted, or otherwise granted, access to the premises (other than persons so accessing in a professional capacity, in the course of their employment or in fulfilment of a contract for services), make a record (using ticketing information or otherwise) of the person’s name and telephone number.”,
- (f) in paragraph (5) –
 - (i) in subparagraph (a), by the deletion of “, during the specified period”, and
 - (ii) in subparagraph (b), by the deletion of the definition of “specified period”, and
- (g) in paragraph (8), by the deletion of the definition of “relevant period”.

6. The Principal Regulations are amended, in Schedule 2, by the substitution of the following paragraph for paragraph 1:

“1. relevant entertainment premises.”.



GIVEN under my Official Seal,
22 October, 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 draft regulations provide for technical drafting amendments to the current national public health measures in S1 217 of 2021.

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