



STATUTORY INSTRUMENTS.

S.I. No. 217 of 2021

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

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(COVID-19) (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:

PART 1
Preliminary and General

Citation, commencement and operation

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) Regulations 2021.

(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 2nd day of June 2021.

(3) Schedule 1 shall 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 16th day of May 2021.

(4) Paragraph 22 of Schedule 2 shall 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 16th day of May 2021.

Revocation

2. The Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) Regulations 2021 (S.I. No. 168 of 2021) are revoked.

Definitions

3. In these Regulations -

“Act of 1947” means the Health Act 1947 (No. 28 of 1947);

“applicable person” means a person whose place of residence is located within a relevant geographical location;

“child” means a person who has not attained the age of 18 years;

“childcare pairing arrangement” has the meaning assigned to it by Regulation 6;

“club” means a club registered under the Registration of Clubs Acts 1904 to 2008;

“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;

“household” means a person who lives alone or 2 or more persons who live together;

“licence” means, in relation to premises, a licence for the sale by retail of intoxicating liquor for consumption on or off the premises whether granted on production or without production of a certificate of the Circuit Court or District Court;

“local authority” means a local authority within the meaning of section 2 of the Local Government Act 2001 (No. 37 of 2001);

“necessary person” means, in relation to a sporting event, any person whose presence at the event is necessary for the event to take place, and includes -

- (a) a person referred to in Regulation 10(2)(b) who is participating in the sporting event,

- (b) a member of staff of Sport Ireland or a member of staff of the relevant sporting body of an athlete or competitor participating in the event,
- (c) a coach or a trainer connected to the event,
- (d) medical personnel, including such personnel conducting doping testing, whose presence is required at the event,
- (e) a person who attends the event in order to ensure that it is conducted in accordance with the rules of the sport,
- (f) a person engaged by the organiser of the sporting event as a steward, whether in a remunerated or voluntary capacity, to implement crowd control, compliance with public health guidance and other safety measures,
- (g) a person whose attendance at the event is necessary for it to be reported, recorded or broadcast,
- (h) a person who is a parent or guardian of a person who -
- (i) is participating in the event, and
- (ii) is a child,
- (i) a person accompanying a person who is participating in the event, where that person normally requires assistance in carrying out his or her daily activities, or
- (j) a person providing necessary technical, administrative, logistical or other professional services to a person described in any of subparagraphs (a) to (i);

“permitted outlet” means an outlet that is specified in Schedule 1;

“place of residence” means -

- (a) in relation to a person who is ordinarily resident in the State -
 - (i) the home in which the person ordinarily resides, or
 - (ii) if the person does not have a home, such other premises, if any, at which he or she is currently residing, whether on a permanent or temporary basis, or
- (b) in relation to a person who is not ordinarily resident in the State, the premises in the State, if any, at which he or she is currently residing, whether on a permanent or temporary basis;

“premises” includes part of any premises;

“premises controller” means -

- (a) in relation to premises the subject of a licence, the holder of the licence, and

- (b) in relation to the premises of a club, every person whose name is entered in the register of clubs as an official or member of its committee of management or governing body at the material time;

“relevant event” means an event held, or to be held, for social, recreational, exercise, cultural, entertainment or community reasons, but does not include –

- (a) an event to be held in a dwelling,
- (b) a wedding reception,
- (c) a sporting event,
- (d) a training event, or
- (e) a dance rehearsal event;

“relevant geographical location” means a geographical location to which an affected areas order applies;

“specified person” means, in relation to any premises -

- (a) the premises controller of the premises,
- (b) the occupier of the premises,
- (c) the manager of the premises, or
- (d) any other person for the time being in charge of the premises;

“Sport Ireland certification” means a written certification that is provided to a person by Sport Ireland -

- (a) in accordance with Regulation 10(3),
- (b) in accordance with Regulation 11(4),
- (c) under the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) Regulations 2021 (S.I. No. 135 of 2021), or
- (d) under any other regulations made under the Act of 1947 for the purpose of permitting the person to participate in a sporting event specified in the certification, engage in training held in preparation for a sporting event specified in the certification, or both;

“sporting event” means an event to be held in a location other than in a dwelling that is -

- (a) to be held wholly or partly for competitive sport reasons, regardless of the nature of the sport or the competitive standard in question,

- (b) organised under the structure of, licenced by, or otherwise authorised by -
 - (i) a national governing body of the sport in question, or
 - (ii) a school, university or higher education institution, and
- (c) not a training event;

“substantial meal” means a meal -

- (a) such as might be expected to be served as a main midday or main evening meal or as a main course at either such meal, and
- (b) that is of a kind, having regard to all the circumstances, for which it would be reasonable to charge a sum that is not less than €9;

“training event” means an event -

- (a) to be held in preparation for a sporting event, and
- (b) that is supervised by a member of staff of Sport Ireland, a coach or a trainer.

Part 2

Temporary restrictions – national measures

Restrictions of movement of applicable persons in relation to travel from place of residence to port or airport

4. (1) Subject to paragraph (2), an applicable person shall not travel to an airport or port for the purpose of leaving the State without reasonable excuse.

(2) Without prejudice to the generality of what constitutes a reasonable excuse for the purposes of paragraph (1), such reasonable excuse includes an applicable person travelling to an airport or port for the purpose of leaving the State in order to -

- (a) work, comply with a contract of employment or contract for services, or otherwise engage in work or employment,
- (b) without prejudice to the generality of subparagraph (a) -
 - (i) provide services to, or perform the functions of, an office holder appointed under any enactment or under the Constitution, or a member of either House of the Oireachtas, the European Parliament or a local authority, or
 - (ii) provide services essential to the functioning of diplomatic missions and consular posts in the State,
- (c) attend, for educational reasons -

- (i) a primary or secondary school, or
 - (ii) a university, higher education institution or other education and training facility,
- to the extent that it is necessary for such educational reasons to attend in person,
- (d) accompany to a school referred to in subparagraph (c)(i), or to a university, higher education institution or other education and training facility referred to in subparagraph (c)(ii), any other person residing with the person, or a vulnerable person,
 - (e) attend a medical or dental appointment, or accompany, to such an appointment, any other person residing with the person, or a vulnerable person,
 - (f) seek essential medical, health or dental assistance for the person, for any other person residing with the person, or for a vulnerable person,
 - (g) attend to vital family matters (including providing care to vulnerable persons),
 - (h) attend a funeral,
 - (i) fulfil a legal obligation (including attending court, satisfying bail conditions, or participating in ongoing legal proceedings), attend a court office where required, initiate emergency legal proceedings or execute essential legal documents,
 - (j) if the person is a parent or guardian of a child, or a person having a right of access to a child, give effect to arrangements for access to the child by -
 - (i) the person, or
 - (ii) another person who is -
 - (I) a parent or guardian of the child, or
 - (II) a person having a right of access to the child, or
 - (k) where the person is not ordinarily resident in the State, leave the State.
- (3) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.
- (4) In this Regulation, “vulnerable person” means -
- (a) a person who normally requires assistance in carrying out his or her daily activities,
 - (b) a person who, although not normally requiring assistance in carrying out his or her daily activities, requires such assistance because he or she is -
 - (i) particularly susceptible to the risk posed to health by Covid-19, or

- (ii) not in a position to leave his or her place of residence due to reasons related to the spread of Covid-19 or otherwise,
 - or
- (c) a child.

Restrictions on events in dwellings

5. (1) A person shall not organise, or cause to be organised, an event to be held in a dwelling in a relevant geographical location for social or recreational reasons other than in accordance with paragraph (2) or (3).

(2) An applicable person may organise, or cause to be organised, an event to be held indoors in a dwelling in a relevant geographical location for social or recreational reasons where -

- (a) the dwelling is the applicable person's place of residence, and
- (b) the person takes all reasonable steps to ensure that the persons attending, or proposed to attend the event (for whatever reason) are part of no more than 3 households, including the household of the person organising the event.

(3) An applicable person may organise, or cause to be organised, an event to be held in a part of a dwelling that is outdoors in a relevant geographical location for social or recreational reasons where -

- (a) the dwelling is the applicable person's place of residence, and
 - (b) the person takes all reasonable steps to ensure that the persons attending, or proposed to attend, the event -
 - (i) do not exceed 6 persons from any number of households, including the household of the person organising the event, or
 - (ii) are part of no more than 3 households, including the household of the person organising the event,
- and the event is, notwithstanding paragraph (5), in either case, attended by no more than 15 persons.

(4) Where an event under paragraph (2) or (3) is attended by -

- (a) a child, and
- (b) a parent or guardian of such child, who is not part of the same household as the child,

the parent or guardian, as the case may be, shall be deemed to be part of the same household as the child.

(5) For the purposes of this Regulation, in reckoning the number of persons attending an event under paragraph (3)(b)(i), no account shall be taken of a child who has not attained the age of 13 years who is part of a household of a person so attending.

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

Childcare pairing arrangements

6. (1) Subject to paragraph (2), a specified household (the “first household”) may agree with one other household (the “second household”), which may include another specified household, that each household may be treated as part of a childcare pairing arrangement for the purpose of -

- (a) the first household providing childcare to the second household, or
- (b) each household providing reciprocal childcare to the other household,

and the first household and the second household shall, in these Regulations,
each be referred to as being part of a “childcare pairing arrangement”.

(2) Where a specified household makes an agreement with another household in accordance with paragraph (1) -

- (a) neither such household may already be a part of a childcare pairing arrangement, and
- (b) neither such household may subsequently agree to be part of a childcare pairing arrangement with any other household.

(3) In this Regulation -

“relevant worker” means a person who works, complies with a contract of employment or contract for services, or otherwise engages in work or employment;

“specified household” means a household consisting of one or more relevant workers and one or more children in respect of whom there are no childcare arrangements in place.

Restriction on persons attending events in dwellings

7. (1) A person shall not without reasonable excuse attend an event to be held for social or recreational reasons in a dwelling in a relevant geographical location other than where the event is organised in accordance with Regulation 5(2) or 5 (3).

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

Restrictions on relevant events and funerals

8. (1) A person shall not organise, or cause to be organised, a relevant event in a relevant geographical location other than where -

- (a) the relevant event takes place entirely outdoors, and,

- (b) the person takes all reasonable steps to ensure that the persons attending, or proposed to attend, the event do not exceed 15 persons.
- (2) A person shall not organise, or cause to be organised, a funeral to be held in a relevant geographical location other than where the number of people, excluding a minister of religion or priest (or any equivalent thereof in any religion), attending the funeral does not exceed 50.
- (3) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.
- (4) For the purposes of this Regulation, in reckoning the 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.

Weddings

- 9. (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 -
 - (a) the number of persons attending, or proposed to attend the wedding service does not exceed 50 persons, and
 - (b) the number of persons attending, or proposed to attend the wedding reception -
 - (i) does not exceed 6 persons, where the reception is held indoors, or
 - (ii) does not exceed 15 persons, where the reception is held outdoors.
- (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.

Restrictions on sporting events

- 10. (1) Subject to paragraph (2), a person shall not organise, or cause to be organised, a sporting event in a relevant geographical location.
- (2) A person may organise, or cause to be organised, a sporting event in a relevant geographical location where the person takes all reasonable steps to ensure that -
 - (a) the event is attended, or proposed to be attended, only by necessary persons, and

- (b) every person participating in the event -
 - (i) is in receipt of financial support provided by Sport Ireland under the scheme commonly known and referred to as the Sport Ireland International Carding Scheme,
 - (ii) competes at a senior level and is a participant in a high performance training programme of the national governing body of the sport, which body receives, from Sport Ireland, financial support commonly known and referred to as the Sport Ireland High Performance Programme Funding,
 - (iii) is a professional sportsperson who receives payment for training and playing sport under a contract of employment with a soccer club or the rugby football organisation commonly known and referred to as the Irish Rugby Football Union,
 - (iv) is involved in the training and preparation of racehorses for events held under the authority of Horse Racing Ireland,
 - (v) is involved in the training and preparation of sport horses for events held under the authority of Horse Sport Ireland,
 - (vi) is involved in the training and preparation of greyhounds for events held under the authority of Rásáiocht Con Éireann,
 - (vii) is an athlete who is competing or playing in the sporting event and to whom a Sport Ireland certification relating to that event has been provided, or
 - (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.
- (3) Sport Ireland may, in relation to an applicable person -
- (a) after consulting with the Health Service Executive, and
 - (b) where it is satisfied that -
 - (i) the person represents, or has the potential to represent, Ireland in sporting events at an internationally competitive level,
 - (ii) it is necessary for the person to participate in one or more sporting events in order to do so, and
 - (iii) satisfactory public health protocols and procedures for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19 are in place in relation to all such sporting events,

provide the person with a written certification stating that he or she may attend one or more specified sporting events.

Restrictions on training events

11. (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.

(2) 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, and
- (c) the event is held outdoors.

(3) Paragraph (1) shall not apply to a training event in which every person participating in the event -

- (a) is in receipt of financial support provided by Sport Ireland under the scheme commonly known and referred to as the Sport Ireland International Carding Scheme,
- (b) competes at a senior level and is a participant in a high performance training programme of the national governing body of the sport, which body receives, from Sport Ireland, financial support commonly known and referred to as the Sport Ireland High Performance Programme Funding,
- (c) is a professional sportsperson who receives payment for training and playing sport under a contract of employment with a soccer club or the rugby football organisation commonly known and referred to as the Irish Rugby Football Union,
- (d) is involved in the training and preparation of racehorses for events held under the authority of Horse Racing Ireland,
- (e) is involved in the training and preparation of greyhounds for events held under the authority of Rásáiocht Con Éireann,
- (f) is involved in the training and preparation of sport horses for events held under the authority of Horse Sport Ireland,
- (g) is a person to whom a Sport Ireland certification has been provided for the purposes of so participating,
- (h) 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, or
- (i) is a coach or trainer in respect of a person referred to in any of subparagraphs (a) to (h).
- (4) Sport Ireland may, in relation to an applicable person -
- (a) after consulting with the Health Service Executive, and
 - (b) where it is satisfied that -
- (i) the person represents, or has the potential to represent, Ireland in sporting events at an internationally competitive level,
 - (ii) it is necessary for the person to participate in one or more training events in order to do so, and
 - (iii) satisfactory public health protocols and procedures for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19 are in place in relation to all such training events,
- provide the person with a written certification stating that he or she may attend one or more specified training events.

Carrying on or provision of certain businesses or services specified in Schedule 2

12. (1) A specified person shall ensure that members of the public are not permitted, or otherwise granted, access to a premises in a relevant geographical location where a business or service specified in Schedule 2 is carried on or otherwise provided.

- (2) For the avoidance of doubt, paragraph (1) does not prohibit -
- (a) the filming or other recording of performances in a theatre, concert hall, museum or art gallery, without an audience present, for the purposes of broadcasting such performances on the internet, radio or television,
 - (b) the holding of horseracing or greyhound racing at a racecourse in accordance with these Regulations, or
 - (c) the use of a premises for the purposes of -
- (i) a meeting of a local authority,
 - (ii) a meeting of a regional assembly (within the meaning of the Local Government Act 1991 (Regional Assemblies) (Establishment) Order 2014 (S.I. No. 573 of 2014)),
 - (iii) a sitting of one or both Houses of the Oireachtas or a committee thereof (within the meaning of section 2 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 (No. 33 of 2013)),

- (iv) a meeting of a political party registered in the Register of Political Parties (within the meaning of Part III of the Electoral Act 1992 (No. 23 of 1992)) or a meeting of a parliamentary party of such political party,
- (v) access to the premises by members of the public for the use of toilet facilities where such premises is owned or operated by a local authority, or
- (vi) a wedding held in accordance with Regulation 9.

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

Requirements in relation to hotels and other services

13. (1)(a) Subparagraph (b) applies notwithstanding anything contained in the Licensing Acts 1833 to 2018 or the Registration of Clubs Acts 1904 to 2008.
- (b) Without prejudice to the generality of Regulation 12, a specified person shall ensure that -
- (i) members of the public are not, permitted, or otherwise granted, access to relevant premises, or permitted to remain on such premises,
 - (ii) relevant guests who are not resident in the relevant premises are not, during the relevant period, permitted, or otherwise granted, access to the relevant premises concerned, or permitted to remain on such premises, other than for the purpose of ordering, or collecting, or both, food or non-alcoholic beverages for consumption off such premises,
 - (iii) relevant guests who are resident in the relevant premises are not, during the relevant period, permitted to order alcoholic beverages, and
 - (iv) relevant guests are not permitted to purchase or otherwise acquire intoxicating liquor for consumption on the relevant premises unless the intoxicating liquor is -
 - (I) ordered by or on behalf of the relevant guest at the same time as a substantial meal is so ordered, during the meal or after the meal has ended, and
 - (II) consumed by that relevant guest during the meal or after the meal has ended whilst such person is seated at a table.
- (c) For the avoidance of doubt, it is hereby declared that the period of 30 minutes referred to in section 7(1) and (2) of the Intoxicating Liquor Act 1962 (No. 21 of 1962), commonly referred to as drinking-up time, does not apply in relation to the relevant period.

(2) A specified person shall, in relation to a relevant premises, make a record of the time and date that each relevant guest is permitted, or otherwise granted, access to the relevant premises, and the guest's name and telephone number and make a record of the substantial meal or meals ordered pursuant to paragraph (1)(b)(iv).

(3) A specified person shall retain and make available records made under paragraph (2) for the purposes of inspection by a member of the Garda Síochána acting in the course of his or her duties under these Regulations, or by a person appointed by the Health Service Executive for the purposes of the programme commonly known as the Covid-19 Contact Management Programme, for a period of 28 days after the records have been made.

(4) For the purposes of paragraph (2), a specified person may request a relevant guest to provide the specified person with the relevant guest's name and telephone number and, where that specified person does so, the relevant guest shall comply with that request.

(5) (a) A specified person shall ensure that members of the public are not, during the specified period -

(i) permitted, or otherwise granted, access to a specified premises, or

(ii) permitted to remain on a specified premises,

except for the purpose of ordering, or collecting, or both, food or non-alcoholic beverages for consumption off the specified premises.

(b) In this paragraph -

"specified period", in relation to specified premises to which, but for this Regulation, access by members of the public may be lawfully permitted, or otherwise granted, on and after 11.30 p.m. on a particular day, means the period -

(a) commencing at 11.30 p.m. on that day, and

(b) ending at -

(i) subject to subparagraph (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;

“specified premises” means a premises in a relevant geographical location where -

- (a) food or non-alcoholic beverages may be lawfully sold or supplied for consumption on such premises, or
- (b) food or beverages may be lawfully sold or supplied for consumption on such premises but any beverage which is an intoxicating liquor may not be so consumed.

(6) Paragraphs (1), (2) and (3) are penal provisions for the purposes of section 31A of the Act of 1947.

(7) This Regulation shall not apply to a hotel or similar accommodation that is a designated facility.

(8) In this Regulation -

“relevant period”, in relation to a relevant premises to which, but for this paragraph, access by relevant guests may be lawfully permitted, or otherwise granted, on and after 11.30 p.m. on a particular day, means the period -

- (a) commencing at 11.30 p.m. on that day, and
- (b) 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;

“relevant guest”, in relation to a hotel or similar accommodation, means a person availing of the services of the hotel or similar accommodation in one or more of the circumstances referred to in subparagraphs (c) to (e) of paragraph 19 of Schedule 2;

“relevant premises” means a premises in a relevant geographical location where a business or service of a type specified in subparagraphs (c) to (e) of paragraph 19 of Schedule 2 that is selling or supplying intoxicating liquor for consumption on the premises to relevant guests and that, but for this Regulation, is otherwise permitted by law to do so, is lawfully carried on or otherwise provided.

Data Protection

14. (1) Personal data collected for the purposes of these Regulations may be processed by -

- (a) a specified person for the purposes of -
 - (i) complying with the requirements of these Regulations, or
 - (ii) providing information to the Health Service Executive for the purposes referred to in paragraph (b),
 - (b) the Health Service Executive for the purposes of the identification, tracing and contacting of persons who have been in contact with persons who have been diagnosed, or suspected of having been infected, with Covid-19, and
 - (c) a member of the Garda Síochána for the purposes of -
 - (i) monitoring compliance by a specified person with, or
 - (ii) enforcement of,
- these Regulations.

(2) For the purposes of these Regulations, a specified person, the Health Service Executive and the Garda Síochána are designated as data controllers in relation to personal data respectively processed by them pursuant to paragraph (1).

(3) Subject to paragraph (4), personal data collected for the purposes of these Regulations shall be permanently deleted no later than 28 days after the records referred to in Regulation 13 have been collected under paragraph (2) of that Regulation.

(4) Where personal data collected in accordance with these Regulations are required for the purposes of the prevention, investigation, detection or prosecution of a criminal offence, the data -

- (a) may be processed for as long as they are required for such prevention, investigation, detection or prosecution, and
- (b) shall be permanently deleted after they are no longer required for such prevention, investigation, detection or prosecution.

(5) In this Regulation -

“General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016¹ on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

“personal data” has the meaning it has in the General Data Protection Regulation;

¹ OJ No. L 119, 4.5.2016, p. 1.

“processing”, in relation to personal data, has the meaning it has in the General Data Protection Regulation.

SCHEDULE 1

Regulation 2

Permitted Outlets for period beginning on 10th of May 2021 and ending on 16th of May 2021

1. Outlets selling food or beverages on a takeaway basis, or newspapers, whether on a retail or wholesale basis and whether in a non-specialised or specialised outlet.
2. Markets that, wholly or principally, offer food for sale.
3. Outlets selling products necessary for the essential upkeep and functioning of places of residence and businesses, whether on a retail or wholesale basis.
4. Pharmacies, chemists and retailers or wholesalers providing pharmaceuticals or pharmaceutical or dispensing services, whether on a retail or wholesale basis.
5. Outlets selling health, medical or orthopaedic goods in a specialised outlet, whether on a retail or wholesale basis.
6. Fuel service stations and heating fuel providers.
7. Outlets selling essential items for the health and welfare of animals (including animal feed and veterinary medicinal products, pet food, animal bedding and animal supplies), whether on a retail or wholesale basis.
8. Laundries and drycleaners.
9. Banks, post offices and credit unions.
10. Outlets selling safety supplies (including work-wear apparel, footwear and personal protective equipment), whether on a retail or wholesale basis.

11. Hardware outlets, builders' merchants and outlets that provide, whether on a retail or wholesale basis -
 - (a) hardware products necessary for home and business maintenance or construction and development,
 - (b) sanitation and farm equipment, or
 - (c) supplies and tools essential for farming or agriculture purposes.
12. Outlets providing for the repair and maintenance of mechanically propelled vehicles or bicycles and any related facilities (including tyre sales and repairs).
13. The following outlets, insofar as they offer services on an emergency basis only:
 - (a) Outlets selling office products and services for businesses or for relevant persons working from their respective places of residence, whether on a retail or wholesale basis;
 - (b) Outlets providing electrical, information and communications technology and telephone sales, repair and maintenance services for places of residence and businesses.
14. Any other retail outlet that operates an online or other remote system of ordering goods for the purposes of –
 - (a) collection of the goods at the retail outlet, or
 - (b) delivery.
15. Outlets selling food or beverages whether on a retail or wholesale basis and whether in a non-specialised or specialised outlet -
 - (a) insofar as they sell food or beverages on a takeaway basis or for consumption off the premises, or
 - (b) insofar as they are staff canteens operating for the exclusive use of persons working in, or at, a particular premises.

16. Optician and optometrist outlets.
17. Outlets providing hearing test services or selling hearing aids and appliances.
18. Outlets that sell products on the basis of individual appointments made on behalf of a person in advance of the person's attendance at the outlet.
19. The following services, insofar as they are provided on a commercial basis and by appointment:
 - (a) cosmetic nail care or nail styling;
 - (b) hair care or hair styling;
 - (c) the making available for use on a sunbed premises of sunbeds (within the meaning of the Public Health (Sunbeds) Act 2014 (No. 12 of 2014)).
20. The following services insofar as they are provided on a commercial basis and by appointment only:
 - (a) massage services;
 - (b) cosmetic procedures, whether surgical or non-surgical.
21. Tattoo and piercing services, insofar as they are provided on a commercial basis and by appointment only.
22. All outlets that offer goods for sale or supply from a premises that is entirely outdoors.
23. Botanical gardens.
24. Nature reserves.
25. Outdoor heritage sites.
26. Outdoor tourism sites.

27. Zoos that are -

- (a) licenced in accordance with the European Communities (Licensing and Inspection of Zoos) Regulations 2003 (S.I. No. 440 of 2003), or
- (b) exempted from the requirements of the European Communities (Licensing and Inspection of Zoos) Regulations 2003 in accordance with Regulation 11 of those Regulations.

28. Wildlife parks, or other outdoor animal collection, that are not zoos.

29. Outdoor premises that maintain farm animals in order to attract visitors for leisure purposes.

30. Premises used for outdoor sporting, outdoor recreational or outdoor exercise purposes.

31. Without prejudice to the foregoing paragraphs, premises 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.

SCHEDULE 2*Regulation 12***Relevant businesses**

1. Theatres and concert halls.
2. Cinemas.
3. Art galleries (other than privately owned art galleries offering artworks for sale) except insofar as they operate to provide general admittance to members of the public.
4. Museums, except insofar as they operate to provide general admittance to members of the public.
5. Libraries, except insofar as they operate to provide lending services to members of the public.
6. Cultural indoor attractions, except insofar as they operate to provide general admittance to members of the public.
7. Circuses.
8. Nightclubs and discotheques, including those licenced under the Public Dance Halls Act 1935 (No. 2 of 1935).
9. Bingo halls.
10. Private Members' Clubs (howsoever described) where gaming (within the meaning of the Gaming and Lotteries Act 1956 (No. 2 of 1956)) is carried on exclusively amongst members of the Private Members' Club and is the primary purpose of such Private Members' Club.
11. Ice skating rinks.
12. Roller skating rinks.
13. Indoor leisure facilities, including dance studios and gyms.

14. Swimming pools.
15. Bowling alleys, amusement arcades, soft play areas and other indoor children's play areas.
16. Funfairs, including funfairs within the meaning of the Gaming and Lotteries Act 1956 (No. 2 of 1956).
17. Amusement halls licensed in accordance with the Gaming and Lotteries Act 1956 (No. 2 of 1956).
18. Amusement parks and theme parks.
19. Outlets selling food or beverages whether on a retail or wholesale basis and whether in a non-specialised or specialised outlet except -
 - (a) insofar as they sell food or beverages on a takeaway basis or for consumption off the premises,
 - (b) insofar as they are staff canteens operating for the exclusive use of persons working in, or at, a particular premises,
 - (c) hotels or similar accommodation services to guests travelling for purposes other than social, recreational, cultural or tourist purposes
 - (d) the operation of hotels or similar accommodation services providing essential accommodation (including accommodation for homeless persons and persons in direct provision, persons who are unable to reside in their usual place of residence due to reasons related to the spread of Covid-19 or otherwise) and related services, or
 - (e) hotel or similar accommodation services to guests attending a wedding.
20. Campsites.
21. Caravan parks, except –
 - (a) insofar as they provide shared facilities, and

- (b) insofar only as they permit access to owners (and the households of such owners) of stationary mobile homes or caravans situated in the caravan park.
22. Outlets that are not permitted outlets.



GIVEN under my Official Seal,
9 May, 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 revoke the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) Regulations 2021 (S.I. No. 168 of 2021), as amended. These Regulations provide for temporary restrictions on a range of indoor and outdoor events, along with temporary restrictions on access by the public to a range of businesses and services. The Regulations remain in operation until 02 June 2021.

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