



STATUTORY INSTRUMENTS.

S.I. No. 560 of 2020



HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (NO. 9) REGULATIONS 2020

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(COVID-19) (NO. 9) REGULATIONS 2020

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 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. 9) Regulations 2020.

(2) These Regulations shall, subject to paragraphs (3) and (4), come into operation on the first day of December 2020 and shall have effect for the period beginning on that day and ending on the 17th day of December 2020.

(3) Regulation 11 and Schedule 1 shall come into operation on the first day of December 2020 and shall have effect for the period beginning on that day and ending on the 3rd day of December 2020.

(4) Regulation 12 and Schedule 2 shall come into operation on the 4th day of December 2020 and shall have effect for the period beginning on that day and ending on the 17th day of December 2020.

Interpretation

2. (1) In these Regulations -

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

“Act of 2001” means the Local Government Act 2001 (No. 37 of 2001);

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 4th December, 2020.*

“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;

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

“county” has the same meaning as it has in section 10 (amended by section 12 of the Local Government Reform Act 2014 (No. 1 of 2014)) of the Act of 2001, being a Local Government Area that is listed as a County in Schedule 5 to the Act of 2001;

“county of residence”, in relation to an applicable person, means the county in which his or her place of residence is situated;

“food preparation area” means an indoor part of such premises which is structurally adapted and used for the purpose of preparing food for consumption by members of the public on or off the premises concerned and, for the avoidance of doubt, does not include a tent, caravan, vehicle, storage container or other temporary structure;

“licence”, in relation to premises, means 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;

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

- (a) an athlete or competitor participating in the event,
- (b) an athlete or competitor not immediately participating in the event but who -
 - (i) intends to, or is likely to, participate in the event before its conclusion, or
 - (ii) is registered, or otherwise eligible, for selection to participate in the event,
- (c) 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,
- (d) a coach or a trainer connected to the event,
- (e) medical personnel, including such personnel conducting doping testing, whose presence is required at the event,
- (f) a person who attends the event in order to ensure that it is conducted in accordance with the rules of the sport,
- (g) 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,

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- (h) a person whose attendance at the event is necessary for it to be reported, recorded or broadcast,
- (i) a person who is a parent or guardian of a person who -
 - (i) is participating in the event, and
 - (ii) is a child,
- (j) 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
- (k) a person providing necessary technical, administrative, logistical or other professional services to a person described in any of subparagraphs (a) to (j);

“paired household” has the meaning assigned to it by Regulation 5;

“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 private dwelling,
- (b) a wedding reception,
- (c) a sporting event, or
- (d) a training event;

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

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

- (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;

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

- (a) so 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,
- (c) attended only by necessary persons, and
- (d) 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,
- (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, and
- (c) that is, other than in the case of a meal served at a wedding reception, substantially prepared on the premises in a food preparation area;

“training event” means an event -

- (a) to be held in preparation for a sporting event,
- (b) that is supervised by a member of staff of Sport Ireland, a coach or a trainer, and
- (c) that is attended only by necessary persons;

“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.

(2) For the purposes of these Regulations, a group of Local Government Areas specified in one of the following subparagraphs shall be deemed to be a single county:

- (a) Dún Laoghaire-Rathdown, Fingal, South Dublin and Dublin City;
- (b) Cork and Cork City;
- (c) Galway and Galway City.

Part 2

Temporary restrictions - national measures

Restriction on travel from county of residence

3. (1) Subject to paragraph (2), an applicable person shall not travel from his or her county of residence to another county or to a state other than the State without reasonable excuse.

(2) Without prejudice to the generality of what constitutes a reasonable excuse for the purposes of paragraph (1), a reasonable excuse for travelling from a person's county of residence includes travelling in order to -

- (a) work, comply with a contract of employment or contract for services, or otherwise engage in work or employment where in all the circumstances, it is not practicable to so work, comply or engage in the person's place of residence,
- (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) farm, carry out agricultural activities, or assist in farming or carrying out agricultural activities,
- (d) 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,
- (e) accompany to a school referred to in subparagraph (d)(i), or to a university, higher education institution or other education and

- training facility referred to in subparagraph (d)(ii), any other person residing with the person, or a vulnerable person,
- (f) access crèche or other childcare facilities,
 - (g) attend a medical or dental appointment, or accompany, to such an appointment, any other person residing with the person, or a vulnerable person,
 - (h) seek essential medical, health or dental assistance for the person, for any other person residing with the person, or for a vulnerable person,
 - (i) donate blood or accompany any other person residing with the person to donate blood,
 - (j) seek veterinary assistance,
 - (k) attend to vital family matters (including providing care to vulnerable persons),
 - (l) attend a funeral or a wedding,
 - (m) 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,
 - (n) 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,
 - (o) in the case of a minister of religion or priest (or any equivalent thereof in any religion) -
 - (i) lead worship or services,
 - (ii) minister to the sick, or
 - (iii) conduct funeral or wedding services,
 - (p) move to another residence where, in all the circumstances of the case, such movement is reasonably necessary,
 - (q) return to the person's place of residence,
 - (r) where the person is not ordinarily resident in the State, leave the State,
 - (s) provide emergency assistance, avoid injury or illness, or escape a risk of harm, whether to the person or to another person,
 - (t) in the case of a person who is part of a paired household, travel to an event in a dwelling in accordance with Regulation 4, or

- (u) attend the offices of a planning authority or An Bord Pleanála to engage in a statutory planning process (including making or inspecting a planning application or appeal, making an observation or submission or participating in a Development Plan process) or inspect a site notice (within the meaning of the Planning and Development Act 2000 (No. 30 of 2000)).

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

Restriction on events in private dwellings

4. (1) A person shall not organise, or cause to be organised, an event to be held in a private dwelling in a relevant geographical location other than in accordance with paragraph (2).

(2) An applicable person may organise, or cause to be organised, an event to be held 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) -
 - (i) are part of the same household as the person organising the event, or
 - (ii) are part of a paired household in respect of the person organising the event.

(3) Where the event is attended by -

- (a) a child, and
- (b) a parent or guardian of the child, who does not ordinarily reside with that child,
the parent or guardian, as the case may be, and the child shall be deemed to reside in the same household.

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

Paired households

5. (1) Subject to paragraph (2), a relevant household may agree with one other household (including another relevant household) that each household may be treated as a paired household for the purpose of attending events in a dwelling in accordance with Regulation 4, and each of those households shall, in these Regulations, be referred to as a "paired household".

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

- (a) neither such household may already be a paired household, and

- (b) neither such household may subsequently agree to be a paired household with any other household.
- (3) In this Regulation, “relevant household” means a household consisting of -
 - (a) a person, including a vulnerable person, who lives alone,
 - (b) one or more vulnerable persons who live together, or
 - (c) one or more vulnerable persons and one other person (other than a vulnerable person) all of whom live together.

Restriction on persons attending events in dwellings

6. (1) Subject to paragraph (2), 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 4(2).

(2) Paragraph (1) shall not apply to a person attending an event referred to in that paragraph where the person is -

- (a) part of the same household as the person organising the event, or
- (b) part of a paired household in respect of the person organising the event.

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

Restrictions on relevant events and funerals

7. (1) A person shall not organise, or cause to be organised, a relevant event to be held indoors in a relevant premises (within the meaning of Regulation 11(3) or 12(3), as the case may be) or a specified premises (within the meaning of Regulation 13(3)) in a relevant geographical location, other than where the person takes all reasonable steps to ensure that the number of persons attending at, or otherwise participating in, the relevant event does not exceed 6.

(2) A person shall not organise, or cause to be organised, a relevant event to be held outdoors in a relevant geographical location, other than where the person takes all reasonable steps to ensure that the number of persons attending at, or otherwise participating in, the relevant event does not exceed 15.

(3) 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 25.

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

(5) 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.

Wedding Receptions

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

(2) A person may organise, or cause to be organised, a wedding reception in a relevant geographical location in a premises other than a private dwelling where the person takes all reasonable steps to ensure that the maximum number of persons attending, or proposed to attend, the wedding reception does not exceed 25 persons.

(3) For the purposes of this Regulation, in reckoning the number of persons attending a wedding reception, 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.

Restriction on sporting events

9. (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 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 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,
- (d) is a professional sports person 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,
- (e) is involved in the training and preparation of racehorses for events held under the authority of Horse Racing Ireland,

- (f) is involved in the training and preparation of sport horses for events held under the authority of Horse Sport Ireland,
- (g) is involved in the training and preparation of greyhounds for events held under the authority of the Irish Coursing Club or Rásaíocht Con Éireann, or
- (h) is a coach or trainer in respect of a person referred to in any of subparagraphs (a) to (g).

Restriction on training events

10. (1) Subject to paragraph (3), a person shall not organise, or cause to be organised, a training event in a relevant geographical location other than in accordance with paragraph (2).

(2) A person may organise a training event in a relevant geographical location where the person takes all reasonable steps to ensure that -

- (a) the training event is held outdoors,
- (b) other persons attending at, or otherwise participating in, the training event are organised into groups of no more than 15 persons, and
- (c) a group referred to in subparagraph (b), 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.

(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 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,
- (d) is a professional sports person 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,
- (e) is involved in the training and preparation of racehorses for events held under the authority of Horse Racing Ireland,

- (f) is involved in the training and preparation of sport horses for events held under the authority of Horse Sport Ireland,
- (g) is involved in the training and preparation of greyhounds for events held under the authority of the Irish Coursing Club or Rásaíocht Con Éireann, or
- (h) is a coach or trainer in respect of a person referred to in any of subparagraphs (a) to (g).

Carrying on or provision of certain businesses or services - period beginning on first December 2020 and ending on 3rd December 2020

11. (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, or to a part of such a premises, where a relevant business or service 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 or concert hall, without an audience present, for the purposes of broadcasting such performances on the internet, radio or television,
 - (b) the holding of horseracing, coursing or greyhound racing at a racecourse in accordance with these Regulations, or
 - (c) the use of a premises, or part of a premises, for the purposes of -
 - (i) a meeting of a local authority (within the meaning of the Act of 2001),
 - (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, or
 - (v) a wedding held in accordance with Regulation 8.
- (3) (a) Subparagraph (b) applies notwithstanding anything contained in the Licensing Acts 1833 to 2018 or the Registration of Clubs Acts 1904 to 2008.
- (b) A specified person shall ensure that members of the public are not, during the relevant period -
- (i) permitted, or otherwise granted, access to relevant premises, or

- (ii) permitted to remain on such premises,
except for the purpose of ordering, or collecting, or both,
food or non-alcoholic beverages for consumption off such
premises.
- (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.
- (d) A specified person shall ensure that members of the public are
not permitted or otherwise granted access to relevant premises
other than where (and without prejudice to the generality of
subparagraph (b)(ii)) the intoxicating liquor being sold or
supplied for consumption on the premises is -
 - (i) ordered by or on behalf of the member of the public being
permitted, or otherwise granted, access to the premises, 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 member during the meal or after the
meal has ended.
- (e) In this paragraph -

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

 - (i) commencing at 11.30 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;

“relevant premises” means a premises in a relevant
geographical location where a business or service of a type
specified in subparagraph (c) of paragraph 14 of Schedule
1 that is selling or supplying intoxicating liquor for
consumption on the premises and that, but for this
Regulation, is otherwise permitted by law to do so, is
lawfully carried on or otherwise provided.

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

(5) In this Regulation, “relevant business or service” means a business or service of a type specified in Schedule 1.

Carrying on or provision of certain businesses or services - period beginning on 4 December 2020

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 relevant business or service 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 or concert hall without an audience present, for the purposes of broadcasting such performances on the internet, radio or television,
- (b) the holding of horseracing, coursing or greyhound racing at a racecourse in accordance with these regulations, or
- (c) the use of a premises, or part of a premises, for the purposes of -
 - (i) a meeting of a local authority (within the meaning of the Act of 2001),
 - (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, or
 - (v) a wedding held in accordance with Regulation 8.

(3) (a) Subparagraph (b) applies notwithstanding anything contained in the Licensing Acts 1833 to 2018 or the Registration of Clubs Acts 1904 to 2008.

- (b) A specified person shall ensure that members of the public are not, during the relevant period -
 - (i) permitted, or otherwise granted, access to relevant premises, or
 - (ii) permitted to remain on such premises, except for the purpose of ordering, or collecting, or both, food or non-alcoholic beverages for consumption off such premises.
- (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.

- (d) A specified person shall ensure that members of the public are not permitted or otherwise granted access to a relevant premises other than where (and without prejudice to the generality of subparagraph (b)(ii)) the intoxicating liquor being sold or supplied for consumption on the premises is -
- (i) ordered by or on behalf of the member of the public being permitted, or otherwise granted, access to the premises, 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 member during the meal or after the meal has ended.
- (e) In this paragraph -
- “relevant period” means, in relation to a relevant premises to which, but for this paragraph, access by members of the public may be lawfully permitted, or otherwise granted, on and after 11.30 p.m. on a particular day, the period -
- (i) commencing at 11.30 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;
- “relevant premises” means a premises in a relevant geographical location carrying on a business or service specified in paragraph 15 of Schedule 2 that is selling or supplying intoxicating liquor for consumption on the premises and that, but for this Regulation, is otherwise permitted by law to do so, is lawfully carried on or otherwise provided.

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

Carrying on or provision of certain businesses or services that do not sell or supply intoxicating liquor for consumption on premises - period beginning on 4 December

13. (1) A specified person shall ensure that members of the public are not, during the specified period -

- (a) permitted, or otherwise granted, access to specified premises, or
- (b) permitted to remain on specified premises,

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

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

(3) In this Regulation -

“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.

Other requirements in relation to certain premises referred to in Regulations 11 and 12

14. (1) A specified person shall, in relation to a relevant premises referred to Regulation 11 or 12, as the case may be -

- (a) in the case of a party of persons being permitted, or otherwise granted, access to the premises, make a record of the time and date that the first member (in this Regulation referred to as a “lead person”) of the party of persons is permitted, or otherwise granted, access to the premises and the lead person’s name and telephone number,
- (b) in the case of a member of the public (in this Regulation referred to as a “sole person”) who is not a member of a party of persons being permitted, or otherwise granted, access to the premises, make a record of the time and date that the sole person is permitted, or otherwise granted, access to the premises and the sole person’s name and telephone number,
- (c) make a record of the substantial meal or meals ordered, pursuant to Regulation 11(3)(d) or 12 (3)(d), as the case may be, by each member of a party of persons and each sole person permitted, or otherwise granted, access to the premises, and

- (d) not permit food or beverages to be served, or to continue to be served, to a member of a party of persons or a sole person permitted, or otherwise granted, access to the premises unless the food or beverages are consumed -
 - (i) in accordance with Regulation 11(3) or 12(3) as the case may be, and
 - (ii) whilst such member of a party of persons or sole person, as the case may be, is seated at a table.
- (2) A specified person shall retain and make available records -
 - (a) in the case of records made under paragraph (1)(a), (b) and (c), for the purposes of inspection by a member of the Garda Síochána acting in the course of his or her duties under these Regulations, for a period of 28 days after the records have been made, and
 - (b) in the case of records made under paragraph (1)(a) and (b), for the purposes of inspection 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.
- (3) (a) For the purposes of paragraph (1)(a), a specified person may request a lead person to provide the specified person with the lead person's name and telephone number and, where that specified person does so, the lead person shall comply with that request.
- (b) For the purposes of paragraph (1)(b), a specified person may request a sole person to provide the specified person with the sole person's name and telephone number and, where that specified person does so, the sole person shall comply with that request.

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

(5) In this Regulation, "party of persons" means, in relation to a relevant premises referred to in Regulation 11(3) or 12(3), as the case may be, a group of 2 or more members of the public who intend to consume food or beverages together in the premises and who wish to be permitted, or otherwise granted, access to the premises for that purpose, whether or not each member arrives at the premises at the same time.

Part 3

Data Protection

15. (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 14 have been collected under paragraph (1) 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;

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

¹ OJ No. L 119, 4.5.2016, p. 1.

SCHEDULE 1

Regulation 11

Relevant businesses or services during period beginning on first day of December 2020 and ending on 3rd day of December 2020

1. Theatres and concert halls.
2. Circuses.
3. Nightclubs and discotheques, including those licenced under the Public Dance Halls Act 1935 (No. 2 of 1935).
4. Bingo halls, other than outdoor bingo at which persons attending do so in motor vehicles and remain in the vehicles without exiting the motor vehicles for the duration of such attendance.
5. 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.
6. Ice skating rinks.
7. Roller skating rinks.
8. Aquariums.
9. Indoor leisure facilities, including dance studios, gyms and swimming pools, other than insofar as they provide facilities for use by persons taking exercise on an individual basis.
10. Bowling alleys, amusement arcades, soft play areas and other indoor children's play areas.
11. Funfairs, including funfairs within the meaning of the Gaming and Lotteries Act 1956 (No. 2 of 1956) (other than insofar as such funfairs operate outdoors).
12. Amusement halls licensed in accordance with the Gaming and Lotteries Act 1956 (No. 2 of 1956).
13. Amusement parks and theme parks (other than insofar as such parks operate outdoors).
14. Outlets selling food or beverages whether on a retail or wholesale basis and whether in a non-specialised or specialised outlet, other than -
 - (a) insofar as they sell food or beverages on a takeaway basis or for consumption off the premises,
 - (b) staff canteens operating for the exclusive use of persons working in, or at, a particular premises, or
 - (c) hotels or similar accommodation services insofar as they sell food or beverages for consumption on the premises by residents of the service.

15. Sports stadiums, campuses and sports training facilities other than insofar as -

- (a) they are available free of charge for informal and recreational use by members of the public,
- (b) their operation is necessary for athletic use and training by persons specified in Regulation 9(2) or 10(3), or
- (c) their operation is necessary for the purposes of organising an sporting event or a training event in accordance with Regulation 9 or 10, or for holding such an event.

SCHEDULE 2

Regulation 12

Relevant businesses or services – period beginning on 4th day of December 2020

1. Theatres and concert halls.
2. Circuses.
3. Nightclubs and discotheques, including those licenced under the Public Dance Halls Act 1935 (No. 2 of 1935).
4. Bingo halls, other than outdoor bingo at which persons attending do so in motor vehicles and remain in the vehicles without exiting the motor vehicles for the duration of such attendance.
5. 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.
6. Ice skating rinks.
7. Roller skating rinks.
8. Aquariums.
9. Indoor leisure facilities, including dance studios, gyms and swimming pools, other than insofar as they provide facilities for use by persons taking exercise on an individual basis.
10. Bowling alleys, amusement arcades, soft play areas and other indoor children's play areas.
11. Funfairs, including funfairs within the meaning of the Gaming and Lotteries Act 1956 (No. 2 of 1956) (other than insofar as such funfairs operate outdoors).
12. Amusement halls licensed in accordance with the Gaming and Lotteries Act 1956 (No. 2 of 1956).
13. Amusement parks and theme parks (other than insofar as such parks operate outdoors).
14. Sports stadiums, campuses and sports training facilities other than insofar as -
 - (a) they are available free of charge for informal and recreational use by members of the public,
 - (b) their operation is necessary for athletic use and training by persons specified in Regulation 9(2) or 10(3), or
 - (c) their operation is necessary for the purposes of organising a sporting event or a training event in accordance with Regulation 9 or 10, or for holding such an event.

15. Any business or service that is selling or supplying intoxicating liquor for consumption on the premises and that, but for Regulation 12, is otherwise permitted by law to do so, other than where (and without prejudice to the generality of subparagraph (3)(b) of that Regulation) such intoxicating liquor is -
 - (a) ordered by or on behalf of the member of the public being permitted, or otherwise granted, access to the premises, at the same time as a substantial meal is so ordered, during the meal or after the meal has ended, and
 - (b) consumed by that member during the meal or after the meal has ended.

16. Licenced premises other than insofar as they sell food or beverages on a takeaway basis or for consumption off the premises.



GIVEN under my Official Seal,
30 November, 2020.

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 an easing of temporary restrictions on travel, an easing of temporary restrictions on outdoor events and an easing of temporary restrictions on access by the public to a range of businesses and services. The Regulations remain in operation until 31 January 2021.

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