



STATUTORY INSTRUMENTS.

S.I. No. 701 of 2020



HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (NO. 10) REGULATIONS 2020

S.I. No. 701 of 2020

HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (NO. 10) 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. 10) Regulations 2020.

(2) These Regulations shall come into operation on the 31st day of December 2020 and shall have effect for the period beginning on that date and ending on the 31st day of January 2021.

Revocation

2. The Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 9) Regulations 2020 (S.I. No. 560 of 2020) are revoked.

Interpretation

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;

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

“essential retail outlet” means a retail outlet that is specified in Part 1A of the Schedule;

“essential service” means a service specified in Part 2 of the Schedule;

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

“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, 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);

“paired household” has the meaning assigned to it in Regulation 6;

“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, or
- (d) a training event;

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

“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;

“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 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;

“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.

Part 2

Temporary restrictions – national measures

Restrictions of movement of relevant persons in relation to travel from place of residence

4. (1) Subject to paragraph (2), an applicable person shall not leave his or her place of residence 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 leaving his or her place of residence in order to -

- (a) work, comply with a contract of employment or contract for services, or otherwise engage in work or employment where -
 - (i) such work, compliance, or engagement relates to an essential retail outlet or an essential service, and
 - (ii) 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 remotely through the use of information and communications technology,
 - (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) go to an essential retail outlet for the purpose of obtaining items (including food, beverages, fuel, medicinal products, medical devices or appliances, other medical or health supplies or products, essential items for the health and welfare of animals, or supplies for the essential upkeep and functioning of the person's place of residence), or accessing services provided in the outlet, for the applicable person or any other person residing in the person's place of residence,
 - (u) go to an essential retail outlet for the purpose of obtaining items (including food, beverages, fuel, medicinal products, medical devices or appliances, other medical or health supplies or products, essential items for the health and welfare of animals, or supplies for the essential upkeep and functioning of the place of residence of a vulnerable person), or accessing services provided in the outlet, for a vulnerable person,
 - (v) access an essential service, or assist any other person residing in the person's place of residence, or a vulnerable person, to access an essential service, where the access is immediately required and the person, other person residing in the person's place of residence or vulnerable person, as the case may be, cannot access the service concerned from the place of residence,
 - (w) in the case of a person who is part of a paired household, travel to an event in a dwelling in accordance with Regulation 5,
 - (x) exercise -
 - (i) alone,
 - (ii) with other persons residing in the relevant residence,
 - (iii) with persons from one other place of residence, or

(iv) with persons residing in the relevant household and persons from one other place of residence, within a 5 kilometre radius of the person's place of residence,

(y) attend -

(i) a retail outlet specified in paragraph 1 of Part 1B of the Schedule, during the period specified in that paragraph, for the purpose of -

(I) obtaining items provided in the outlet, or

(II) working in the outlet, or

(ii) an indoor leisure facility, including a dance studio, gym or swimming pool, specified in paragraph 2 of Part 1B of the Schedule, during the period specified in that paragraph insofar as they provide facilities for use by persons taking exercise on an individual basis, or

(z) 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.

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).

(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 an event under paragraph (2) 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.

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

Paired households

6. (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 5, 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.

Restriction on persons attending events in dwellings

7. (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 5(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

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

- (a) alone,
- (b) with other persons residing in the person’s relevant residence,
- (c) with persons from one other place of residence, or
- (d) with persons residing in the relevant household and persons from one other place of residence,

within a 5 kilometre radius of the person’s place of residence.

(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 10.

(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.

Wedding Receptions

9. (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 dwelling where the person takes all reasonable steps to ensure that the maximum number of persons attending, or proposed to attend, the wedding reception –

- (a) for the period beginning on the 31st day of December 2020 and ending on the 2nd day of January 2021, does not exceed 25 persons, or
- (b) for the period beginning on the 3rd day of January 2021, does not exceed 6 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.

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, or
- (vi) is involved in the training and preparation of greyhounds for events held under the authority of Rásaíocht Con Éireann.

Restrictions on training events

11. (1) 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) 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 Rásaíocht Con Éireann,

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

Carrying on or provision of certain businesses or services

12. (1) A specified person shall ensure that members of the public and workers are not permitted, or otherwise granted, access to a premises -

- (a) in or at which a business or service is carried out, and
- (b) that is in a relevant geographical location,

other than in accordance with paragraph (2).

(2) A specified person may permit, or otherwise grant, access to a premises in a relevant geographical location to -

- (a) a worker -
 - (i) where access to the premises by the worker is necessary for the provision of an essential service or the operation of an essential retail outlet, or
 - (ii) where access to the premises by the worker is necessary for the operation of a retail outlet specified in paragraph 1 of Part 1B of the Schedule, during the period specified in that paragraph, or
 - (iii) where access to the premises by the worker is necessary for the operation of an indoor leisure facility, including a dance studio, gym or swimming pool, specified in paragraph 2 of Part 1B of the Schedule during the period specified in that paragraph, insofar as they provide facilities for use by persons taking exercise on an individual basis, or
- (b) members of the public -
 - (i) where the premises is an essential retail outlet, provided that such access is granted, or otherwise permitted, only to such part of the premises as is operating solely as an essential retail outlet,
 - (ii) where the premises is used to provide an essential service, provided that such access is granted, or otherwise permitted, only to such part of the premises as is operating solely to provide the essential service,
 - (iii) where the premises is a retail outlet specified in paragraph 1 of Part 1B of the Schedule, during the period specified in that paragraph,
 - (iv) where the premises is an indoor leisure facility, including a dance studio, gym or swimming pool, specified in paragraph 2 of Part 1B of the Schedule, during the period specified in that paragraph, insofar as they provide

facilities for use by persons taking exercise on an individual basis.

- (3) 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 (within the meaning of the Local Government Act 2001 (No. 37 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 9.

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

(5) In this Regulation, “worker” means, in relation to a premises that is a place of work -

- (a) an employee working at the premises,
- (b) a member of staff at the premises, or
- (c) a person providing professional services to or at the premises.

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(1), 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) 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 staying in the hotel or similar accommodation in one or more of the circumstances referred to in subparagraphs (a) to (d) of paragraph 8 of Part 2 of the Schedule;

“relevant premises” means a premises in a relevant geographical location where a business or service of a type specified in subparagraphs (a) to (d) of paragraph 8 of Part 2 of the Schedule 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;

“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

Regulation 3

Part 1A

Essential Retail Outlets

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 purposes of collection at the retail outlet.

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,
- (b) insofar as they are staff canteens operating for the exclusive use of persons working in, or at, a particular premises, or
- (c) hotels or similar accommodation services referred to in subparagraphs (a) to (d) of paragraph 8 of Part 2, insofar as they sell food or beverages for consumption on the premises in accordance with subparagraphs (a) to (d) of paragraph 8 of that Part.

16. Optician and optometrist outlets.

17. Outlets providing hearing test services or selling hearing aids and appliances.

Part 1B

1. Retail outlets selling goods or products (other than goods or products specified in Part 1A) during the period beginning on the commencement of these Regulations and ending at 6.00 p.m. on the 31st day of December 2020.

2. Indoor leisure facilities, including dance studios, gyms and swimming pools, insofar as they provide facilities for use by persons taking exercise on an individual basis during the period beginning on the commencement of these Regulations and ending at 6.00 p.m. on the 31st day of December 2020.

Part 2
Essential Services

Agriculture, horticulture, forestry, fishing, animal welfare and related services

1. The following services relating to agriculture, horticulture, forestry, fishing, animal welfare and related services:

- (a) farming;
- (b) farm labour;
- (c) farm relief services;
- (d) crop and animal production;
- (e) fishing for commercial purposes;
- (f) aquaculture and fish farming;
- (g) horticulture;
- (h) forestry;
- (i) veterinary, animal welfare and related services;
- (j) marts held online only;
- (k) the provision of support services relating to any of the services specified in subparagraphs (a) to (j) (including artificial insemination and animal disposal).

Manufacturing

2. The following services relating to manufacturing:

- (a) the manufacture, production or processing of food and beverage products;
- (b) the manufacture, production or processing of animal feeds;
- (c) the manufacture of work-wear apparel, personal protective equipment or footwear;
- (d) the manufacture of wood pulp, paper and paperboard;
- (e) the operation of sawmills and the processing of wood and cork;
- (f) the printing and reproduction of newspapers and other media services;
- (g) the distillation of coke and refined petroleum products;
- (h) the refining of alumina;
- (i) the manufacture of chemicals and chemical products;

- (j) the manufacture of pharmaceutical products and preparations;
- (k) the manufacture of products necessary for the supply chain of essential services;
- (l) the manufacture of products necessary for national and international supply chains, other than such supply chains referred to in subparagraph (k);
- (m) the manufacture of computers, electronic and optical products (including semi-conductors);
- (n) the manufacture of electrical equipment, machinery and other equipment (including agricultural and forestry machinery);
- (o) the manufacture of medical devices or appliances;
- (p) the manufacture of medicinal, health, dental and other personal hygiene products, equipment, appliances and supplies.

Supply, repair and installation of machinery and equipment

3. The following services relating to the supply, repair and installation of machinery and equipment:

- (a) the supply, repair and installation of machinery and equipment (including mechanically propelled vehicles, industrial machinery and equipment) for essential services;
- (b) the repair of mechanically propelled vehicles or the repair of bicycles and related facilities.

Electricity, gas, water, sewage and waste management

4. The following services relating to electricity, gas, water, sewage and waste management:

- (a) the generation, transmission, supply and distribution of electric power;
- (b) the extraction and distribution of gas and decommissioning activities in relation to offshore gas field facilities;
- (c) the collection, treatment and supply of water;
- (d) the collection, treatment and disposal of sewage or wastewater;
- (e) the collection of waste, remediation activities and other waste management treatment and disposal activities (including the operation of landfill sites, waste transfer

stations, waste processing centres and recycling facilities or waste recovery).

Construction and development

5. The following services relating to construction and development:
- (a) construction or development work and the provision of support services relating to construction and development work;
 - (b) the repair, maintenance and construction of road, rail and utility infrastructure;
 - (c) the supply and delivery of maintenance and repair services to businesses and places of residence (including electrical, gas, oil, plumbing, glazing and roofing services).

Wholesale and retail trade

6. The following services relating to wholesale and retail trade:
- (a) the operation of essential retail outlets;
 - (b) wholesale and distribution services necessary for ensuring the availability for sale of food, beverages, fuel, medicinal products, medical devices or appliances, other medical or health supplies or products, essential items for the health and welfare of animals, or supplies for the essential upkeep and functioning of a place of residence;
 - (c) the operation of automated teller machines and related services.

Transport, storage and communications

7. The following services relating to transport, storage and communications:
- (a) the provision of land transport, including bus, rail and taxi services;
 - (b) road, rail, sea and air freight;
 - (c) the provision of sea and air passenger services;
 - (d) the operation of ports, harbours and airports;
 - (e) the operation of lighthouses;
 - (f) warehousing and support activities (including cargo-handling, postal and courier activities) for the transportation of goods;
 - (g) the control and critical maintenance of the transport infrastructure network (including roads);

- (h) any service required for the safe provision of a service specified in subparagraphs (a) to (g).

Accommodation and food services

8. The following services relating to accommodation and food services provision:

- (a) hotel or similar accommodation services to persons who are guests of those hotels or similar accommodation on the 26th day of December 2020 until the date of their departure;
- (b) hotel or similar accommodation services to guests travelling for purposes other than social, recreational, cultural or tourist purposes;
- (c) 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;
- (d) hotel or similar accommodation services to guests attending a wedding;
- (e) food and beverage service activities for supply to a business engaged in an essential service;
- (f) the provision of food or beverage takeaway or delivery services.

Information and communications

9. The following services relating to information and communications:

- (a) the production and publication of newspapers, journals and periodicals and the distribution of those publications, whether in hardcopy or digital format;
- (b) the production of television and radio programmes, video, sound, digital or other electronic content and the broadcast or publication of the same to the public or a portion of the public;
- (c) the provision of services necessary to deliver and support electronic communications services, networks and associated facilities (including wired and wireless telecommunication activities, satellite telecommunication activities, and other communications activities (including broadband, internet and cloud services providers) from providers authorised by legislation);

- (d) the provision of data centre services and related services.

Financial and legal activities

10. The following services relating to financial and legal activities:
- (a) financial, insurance and banking services (including post office and credit union services) provided by a financial services provider;
 - (b) accounting services or audit services;
 - (c) legal services provided by practising barristers or practising solicitors.

Professional, scientific and technical activities

11. The following services relating to professional, scientific and technical activities:
- (a) the provision of engineering, technical testing activities and analysis (including the performance of physical, chemical and other analytical testing of materials and products);
 - (b) the provision of scientific research and development services;
 - (c) regulation, inspection and certification services, in accordance with law, of a particular sector by a body created by statute for that purpose.

Rental and leasing activities

12. The following services relating to rental and leasing activities:
- (a) property services (within the meaning of the Property Services (Regulation) Act 2011 (No. 40 of 2011)), property letting and management services;
 - (b) the provision of a service for the rental or leasing of mechanically propelled vehicles or bicycles.

Administrative and support activities

13. The following services relating to administrative and support activities:
- (a) payroll and payment services necessary for the operation of undertakings and bodies;
 - (b) employment placement and human resources services associated with the recruitment and deployment of workers engaged in the provision of essential services;

- (c) data processing, website hosting and related activities;
- (d) security activities to assist in either or both of the following:
 - (i) the delivery of essential services;
 - (ii) the securing of premises closed to the public;
- (e) funeral, burial and related services;
- (f) business support services (including information and communications technology support and sales, repair and maintenance for information and communications technology and telephones) where such services are necessary to support -
 - (i) any other essential service,
 - (ii) a person working from their place of residence where the business concerned is being operated from a place of residence, or
 - (iii) a business that is not an essential service, to the extent required to maintain that business in operation or to minimise any delay in the business resuming operation after these Regulations have ceased to be in operation;
- (g) where such services are necessary to support any other essential service:
 - (i) the cleaning of buildings;
 - (ii) industrial cleaning activities;
 - (iii) the provision of key third party supports other than those referred to in paragraph (f) provided under contract to a person providing an essential service;
- (h) essential health and safety training (that cannot be done remotely).

Public administration, emergency services and defence

14. The following services relating to public administration, emergency services and defence:

- (a) the performance by the Garda Síochána, including members and civilian staff of the Garda Síochána, of its functions under the Garda Síochána Act 2005 (No. 20 of 2005);
- (b) public order, rescue and emergency services (including fire, coastguard, lifeboat, mountain rescue and ambulance services);

- (c) the performance by the Defence Forces of the functions conferred on them by or under any enactment;
- (d) emergency call answering services;
- (e) services to enable the administration of justice;
- (f) prison services and child detention services (including all onsite activities);
- (g) cyber-security services;
- (h) the provision of social protection benefits;
- (i) regulatory processes and certification required to ensure supply chains, safety of food, beverages, medicinal products, medical devices or appliances, other medical or health supplies or products, and general process safety;
- (j) the operation and maintenance of botanical gardens, parks, forests, nature reserves and playgrounds;
- (k) activities relating to the management, protection, restoration and conservation of protected species, habitats and designated natural, archaeological and built heritage sites;
- (l) providing security, care and maintenance of the premises, collections and objects under the care and management of the National Gallery of Ireland, the National Library of Ireland, the National Museum of Ireland, the National Concert Hall, the National Archives, the Irish Museum of Modern Art, the Chester Beatty Library and the Crawford Art Gallery;
- (m) services relating to the deaths and funerals of persons;
- (n) chaplaincy services;
- (o) services provided or functions performed by an office holder appointed under any enactment or under the Constitution, or members of either House of the Oireachtas, the European Parliament or a local authority;
- (p) services provided under the Child Care Act 1991 (No. 17 of 1991);
- (q) adoption services under the Adoption Act 2010 (No. 21 of 2010);
- (r) services provided to victims;
- (s) services, including regulation services, provided by, and activities of, the Central Bank of Ireland, the Investor Compensation Company DAC (otherwise known as the Investor Compensation Company Limited) and the National Treasury Management Agency;

- (t) any other service provided, or function performed, by a public body (within the meaning of the Data Sharing and Governance Act 2019 (No. 5 of 2019)), where the provision of the service or performance of the function is necessary to support or manage -
 - (i) other essential services, or
 - (ii) the response of the State to the spread of Covid-19;
- (u) Driver Testing Services provided by the Road Safety Authority for the purposes of section 33 of the Road Traffic Act 1961 (No. 24 of 1961) for people involved in the provision of essential services or essential retail outlets;
- (v) Driving instruction provided by instructors on the Register of Approved Driving instructors, established under Part 3 of the Road Traffic (Driving Instructor Licensing) (No.2) Regulations 2009 (S.I. No. 203 of 2009), where the person receiving instruction has a booking reserved to undergo a test for the purposes of section 33 of the Road Traffic Act 1961 (No. 24 of 1961).
- (w) Commercial Vehicle Roadworthiness Test services provided by the Road Safety Authority for the purposes of section 5 of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012);
- (x) National Car Test services provided by the Road Safety Authority for the purposes of section 18(8) of the Road Traffic Act 1961 (No. 24 of 1961);
- (y) statutory planning system activities, insofar as they cannot be carried out remotely;
- (z) National Driver Licence Service, insofar as it provides services by appointment to persons involved in the provision of essential services or essential retail outlets, and insofar as such services cannot be carried out remotely.

Human health and social work activities

15. The following services relating to human health and social work activities:

- (a) hospital services;
- (b) therapy services provided by a member of a designated profession within the meaning of section 3 of the Health and Social Care Professionals Act 2005 (No. 27 of 2005);

- (c) services relating to public health, including services relating to -
 - (i) the identification, tracing and contacting of persons who have been in contact with persons who have been diagnosed, or are suspected of having been infected, with Covid-19, and
 - (ii) the testing of persons for Covid-19;
- (d) laboratory services;
- (e) drug treatment and addiction services;
- (f) hospice services;
- (g) pharmacy services;
- (h) primary care and general and specialist medical practice activities;
- (i) dental services;
- (j) blood donation and related services;
- (k) tissue or organ donation and related services;
- (l) residential care services (including nursing care, mental health and substance abuse services, services for elderly persons and persons with disabilities) and children's residential services;
- (m) homecare, home help and other health services in the community;
- (n) social work and social care services, (including disability services, mental health services, child protection and welfare services, domestic, sexual and gender-based violence services) and homeless services including homeless outreach services;
- (o) paramedical, ambulance and pre-hospital care services;
- (p) services provided by minor injury units;
- (q) maternity services;
- (r) food safety and environmental services;
- (s) childcare services;
- (t) anti-doping services in accordance with Part 4 of the Sport Ireland Act 2015 (No. 15 of 2015).

Education

16. The following services relating to education activities:

- (a) primary and post primary school;

- (b) higher and further education, insofar as onsite presence is required and such education activities cannot be held remotely.

Community and voluntary services

17. The following services relating to community and voluntary services:

- (a) services not otherwise specified in this Schedule, provided by community and voluntary workers and the Civil Defence, as part of a publicly commissioned service, deployed to assist in the delivery of essential services;
- (b) volunteer services operating under the local authority emergency management framework in accordance with public health guidance.

Diplomatic missions and consular affairs

18. The provision of services essential to the functioning of diplomatic missions and consular posts in the State.



GIVEN under my Official Seal,
30 December, 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 revoke the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 9) Regulations (S.I. No. 560 of 2020), 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. They also provide for temporary restrictions on travel. The Regulations remain in operation until 31 January 2021.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2,
D02 DR67.

Teil: 076 110 6834
r-post: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2,
D02 DR67.

Tel: 076 110 6834
E-mail: publications@opw.ie

€ 8.00

