



S.I. No. 569 of 2020

HEALTH ACT 1947 (SECTION 31A – TEMPORARY RESTRICTIONS)
(COVID-19) (FACE COVERINGS IN SMALL PUBLIC SERVICE
VEHICLES AND CERTAIN PREMISES) REGULATIONS 2020
REVISED

Updated to 13 February 2021 and no further amendments have been made since this date.

This Revised Statutory Instrument is an administrative consolidation of the *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Small Public Service Vehicles and Certain Premises) Regulations 2020*. It is prepared by the Office of the Attorney General on behalf of the Department of Health.

All statutory instruments up to and including the *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Amendment of Definition of Face Covering) Regulations 2020* (S.I. No. 651 of 2020) were considered in the preparation of this Revised Statutory Instrument.

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Introduction

This Revised Statutory Instrument presents the text of the Statutory Instrument as it has been amended since it was made by the Minister of Health, and preserves the format in which it was made.

Annotations

This Revised Statutory Instrument is annotated and includes textual amendments.

Statutory instrument included in this revision:

- *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Amendment of Definition of Face Covering) Regulations 2020* (S.I. No. 651 of 2020)

In addition, please note that the statutory instruments captured in this revision are affected by the *Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) Regulations 2020* (S.I. No. 536 of 2020), as amended by the *Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) (Amendment) Regulations 2020* (S.I. No. 562 of 2020), *Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) (Amendment) (No. 2) Regulations 2020* (S.I. No. 652 of 2020), *Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) (Amendment) (No. 3) Regulations 2020* (S.I. No. 697 of 2020) and *Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) (Amendment) (No.4) Regulations 2020* (S.I. No. 703 of 2020), *Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) (Amendment) Regulations 2021* (S.I. No. 30 of 2021) and *Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Amendment) (No. 2) Regulations 2021* (S.I. No. 62 of 2021). The affecting provisions are not noted in the annotations in this revision.

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(COVID-19) (FACE COVERINGS IN SMALL PUBLIC SERVICE
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REVISED

Updated to 13 February 2021.

I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by sections 5 and 31A (inserted by section 10 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020)) of the Health Act 1947 (No. 28 of 1947) and -

(a) having regard to the immediate, exceptional and manifest risk posed to human life and public health by the spread of Covid-19 and to the matters specified in subsection (2) of section 31A, and

(b) having consulted with the Minister for Enterprise, Trade and Employment, the Minister for Transport and the Minister for Justice,

hereby make the following regulations:

Citation

1. These Regulations may be cited as the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Small Public Service Vehicles and Certain Premises) Regulations 2020.

Operation of Regulations

2. (1) These Regulations shall come into operation on the 3rd day of December 2020.

(2) These Regulations shall remain in operation until the 9th day of June 2021.

Interpretation

3. In these Regulations -

“Act of 1961” means the Road Traffic Act 1961 (No. 24 of 1961);

F1 [“face covering” means a covering of any type which when worn by a person covers, without leaving a visible gap, the person’s nose and mouth;]

“reasonable excuse” shall be construed in accordance with Regulation 6;

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

“small public service vehicle” has the same meaning as it has in the Act of 1961;

“travel by small public service vehicle” includes entering a small public service vehicle;

“use” has the meaning assigned to it by section 22 of the Taxi Regulation Act 2013 (No. 37 of 2013).

F1 Substituted (18.12.2020) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Amendment of Definition of Face Covering) Regulations 2020* (S.I. No. 651 of 2020), reg. 5.

Requirement to wear face covering when travelling by small public service vehicle

4. (1) Subject to paragraph (2), a person shall not, without reasonable excuse, use or travel by small public service vehicle within a relevant geographical location without wearing a face covering.

(2) Paragraph (1) shall not apply to -

- (a) a person under the age of 13 years,
- (b) a member of the Garda Síochána in the course of performing his or her duties, or
- (c) a person using or travelling by small public service vehicle when –
 - (i) there is no other person in the vehicle, or
 - (ii) the vehicle is not being driven or used for the carriage of passengers for reward.

(3) Paragraph (1) is a penal provision for the purposes of section 31A of the Health Act 1947 (No. 28 of 1947).

Requirement to ensure face coverings are worn by passengers

5. (1) Subject to paragraph (2), a person who is the driver of a small public service vehicle shall take reasonable steps, when the vehicle is being used for the carriage of passengers for hire or reward within a relevant geographical location, to ensure that each such passenger is wearing a face covering.

(2) Paragraph (1) shall not apply in respect of a passenger who –

- (a) is under the age of 13 years, or
- (b) has reasonable excuse for not wearing a face covering.

Reasonable excuse

6. Without prejudice to the generality of what constitutes reasonable excuse for the purposes of Regulation 4(1), a person has reasonable excuse if -

- (a) the person cannot put on, wear or remove a face covering -
 - (i) because of any physical or mental illness, impairment, or disability, or

- (ii) without severe distress,
- (b) the person needs to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise),
- (c) the person removes the face covering to provide emergency assistance or to provide care or assistance to a vulnerable person,
- (d) the person removes the face covering to avoid harm or injury, or the risk of harm or injury, or
- (e) the person removes the face covering in order to, and only for the time required to, take medication.

Amendment of Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) Regulations 2020

7. Part A of the Schedule to the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) Regulations 2020 (S.I. No. 296 of 2020) is amended by the insertion of the following paragraphs after paragraph 7:

- “8. Bus Stations.
- 9. Rail Stations.”.

GIVEN under my Official Seal,

2 December, 2020.

STEPHEN DONNELLY,

Minister for Health.