



S.I. No. 296 of 2020

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

Updated to 20 July 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 Certain Premises and Businesses) 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) (Face Coverings in Certain Premises and Businesses) (Amendment) (No. 3) Regulations 2021* (S.I. No. 359 of 2021) were considered in the preparation of this Revised Statutory Instrument.

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HEALTH ACT 1947 (SECTION 31A – TEMPORARY RESTRICTIONS)  
(COVID-19) (FACE COVERINGS IN CERTAIN PREMISES AND  
BUSINESSES) REGULATIONS 2020

REVISED

## 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 instruments included in this revision:

- *Health Act 1947 (Section 31A -Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) (No. 3) Regulations 2021 (S.I. No. 359 of 2021)*
- *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings – Extension of Period of Effect) Regulations 2021 (S.I. No. 273 of 2021)*
- *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) (No. 2) Regulations 2021 (S.I. No. 21 of 2021)*
- *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) Regulations 2021 (S.I. No. 20 of 2021)*
- *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Amendment of Definition of Face Covering) Regulations 2020 (S.I. No. 651 of 2020)*
- *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (No. 2) Regulations 2020 (S.I. No. 571 of 2020)*
- *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Small Public Service Vehicles and Certain Premises) Regulations 2020 (S.I. No. 569 of 2020)*
- *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) (No. 2) Regulations 2020 (S.I. No. 511 of 2020)*
- *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) Regulations 2020 (S.I. No. 404 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) (No. 2) Regulations 2021 (S.I. No. 219 of 2021)*. The affecting provisions are not noted in the annotations in this revision.

S.I. No. 296 of 2020  
HEALTH ACT 1947 (SECTION 31A – TEMPORARY RESTRICTIONS)  
(COVID-19) (FACE COVERINGS IN CERTAIN PREMISES AND  
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REVISED

Updated to 20 July 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 Business, Enterprise and Innovation and the Minister for Justice and Equality,\*

hereby make the following regulations:

**Citation and commencement**

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

(2) These Regulations shall come into operation on the 10th day of August 2020.

**Operation of Regulations**

**F1** [2. These Regulations shall have effect for the period beginning on the date specified in Regulation 1(2) and ending on the 9th day of November 2021.]

**Amendment**

**F1** Substituted (06.06.2021) by *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings – Extension of Period of Effect) Regulations 2021* (S.I. No. 273 of 2021), reg. 3.

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\* In addition, the Minister for Health consulted with the Minister for Transport and the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media in relation to S.I. No. 273 of 2021. In addition, the Minister for Health consulted with the Minister for Foreign Affairs, the Minister for Transport, the Minister for Finance and the Minister for Arts, Gaeltacht, Sport and Media in relation to S.I. No. 359 of 2021.

### **Editorial Note**

**E1** Previous affecting provisions: Substituted (03.10.2020) by *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) Regulations 2020* (S.I. No. 404 of 2020), reg. 2; Substituted (06.11.2020) by *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) (No. 2) Regulations 2020* (S.I. No. 511 of 2020), reg. 2; Substituted as per F1.

### **Definitions**

3. In these Regulations -

**F2** [“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 5;

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

“relevant premises” means an indoor premises, or a part of such a premises, to which the public has access -

- (a) where goods are sold directly to the public,
- (b) that is specified in Part A of the Schedule, or
- (c) in which a service specified in Part B of the Schedule is provided or a business specified in Part B of the Schedule is carried on,

but does not include an indoor premises or a part of such a premises -

(i) **F3** [ ... ]

(ii) in which the principal activity is the sale of food or beverages for consumption on the premises, or

(iii) in which the principal activity is the provision of medical or dental services or other healthcare services (other than retail pharmacy businesses (within the meaning of the Pharmacy Act 2007 (No. 20 of 2007)), optician and optometrist outlets and outlets providing hearing test services or selling hearing aids and appliances);

“responsible person”, in relation to a relevant premises, means each of the following:

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

“worker”, in relation to a relevant premises, means a person working at the relevant premises under a contract of employment or a contract for service.

**Amendments**

**F2** 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. 4.

**F3** Deleted (26.01.2021) by *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) Regulations 2021* (S.I. No. 20 of 2021), reg. 2(a).

**Requirement to wear face covering**

4. (1) A person shall not, without reasonable excuse, enter or remain in a relevant premises in 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 responsible person or a worker where -

(i) there is a screen that separates the responsible person or worker from other persons, or

(ii) the responsible person or worker takes all reasonable steps to maintain a distance of at least two metres between himself or herself and other persons,

or

(c) a member of the Garda Síochána in the course of performing his or her duties.

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

(4) A responsible person shall take reasonable steps to engage with persons entering or in the relevant premises to inform them of the requirements of paragraph (1) and to promote compliance with those requirements.

**Reasonable excuse**

5. 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,
- (e) the person removes the face covering in order to, and only for the time required to, take medication,
- (f) the person removes the face covering at the request of a responsible person, or of a worker, in order to enable him or her to ascertain the person's age by reference to photographic identification for the purposes of the sale of goods or services in respect of which there is a minimum age requirement or where the responsible person, or worker, has lawful authority to verify the person's identity, or
- (g) the person removes the face covering at the request of a responsible person, or of a worker, in order to assist the responsible person or worker to provide him or her with healthcare or healthcare advice.

## Schedule

### Regulation 3

#### F4 [Part A

#### Specified Premises

1. Shopping centres.
2. Libraries.
3. Cinemas and cinema complexes.
4. Theatres.
5. Concert halls.
6. Bingo halls.
7. Museums.
8. Bus Stations.
9. Rail Stations.
10. Post offices.
11. Credit unions.
12. Banks.]

F5 [13. Airports.

14 Ports.]

#### **Amendment**

**F4** Substituted (26.01.2021) by *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) (No. 2) Regulations 2021* (S.I. No. 21 of 2021), reg. 2.

**F5** Inserted (19.07.2021) by *Health Act 1947 (Section 31A -Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) (No. 3) Regulations 2021* (S.I. No. 359 of 2021), reg. 2.

#### **Editorial Notes**

**E2** Previous affecting provisions: paras 8 and 9 inserted (3.12.2020) by *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Small Public Service Vehicles and Certain Premises) Regulations 2020* (S.I. No. 569 of 2020), reg. 7; paras 8, 9

and 10 inserted (26.1.2021) by *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) Regulations 2021* (S.I. No. 20 of 2021), reg. 2(b); substituted as per F4.

Part B

Specified Services and Businesses

1. Cosmetic nail care or nail styling.
2. Hair care or hair styling.
3. Tattoo and piercing services.
4. Travel agents and tour operators.
5. Laundries and dry cleaners.
6. Licensed bookmakers (within the meaning of the Betting Act 1931 (No. 27 of 1931)).

GIVEN under my Official Seal,

8 August, 2020.

STEPHEN DONNELLY,

Minister for Health.