



STATUTORY INSTRUMENTS.

S.I. No. 571 of 2020



HEALTH ACT 1947 (SECTION 31A – TEMPORARY RESTRICTIONS)
(COVID-19) (FACE COVERINGS IN CERTAIN PREMISES AND
BUSINESSES) (NO. 2) REGULATIONS 2020

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HEALTH ACT 1947 (SECTION 31A – TEMPORARY RESTRICTIONS)
(COVID-19) (FACE COVERINGS IN CERTAIN PREMISES AND
BUSINESSES) (NO. 2) 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

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- (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 Justice, the Minister for Enterprise, Trade and Employment and the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media,

hereby make the following regulations:

Citation, commencement and operation

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) (No. 2) Regulations 2020.

(2) These Regulations shall come into operation on the 5th day of December 2020 and shall have effect for the period beginning on that day and ending on the 8th day of June 2021.

Definitions

2. In these Regulations -

“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 4;

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

“relevant premises” means a premises, or a part of such a premises, to which the public has access, in which the principal activity is the sale of food or beverages for consumption on the premises;

“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

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 8th December, 2020.*

- (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.

Requirement to wear face covering

3. (1) A worker in a relevant premises in a relevant geographical location shall not, without reasonable excuse, engage in or carry out work relating to the preparation of, or service of, food or beverages for consumption on the premises without wearing a face covering.

(2) A responsible person, in relation to a relevant premises in a relevant geographical location -

- (a) shall take all reasonable steps to ensure that workers in the relevant premises comply with paragraph (1), and
- (b) where the responsible person is not a worker, shall not, without reasonable excuse, engage in or carry out work relating to the preparation of, or service of, food or beverages for consumption on the premises without wearing a face covering.

(3) Paragraphs (1) and (2)(b) shall not apply to a responsible person or to a worker where there is a screen that separates the responsible person or worker from other persons.

(4) Paragraphs (1) and (2)(b) are penal provisions for the purposes of section 31A of the Health Act 1947 (No. 28 of 1947).

Reasonable excuse

4. Without prejudice to the generality of what constitutes reasonable excuse for the purposes of Regulation 3, a responsible person or worker has reasonable excuse if -

- (a) the responsible person or worker 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 responsible person or worker needs to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise),
- (c) the responsible person or worker removes the face covering to provide emergency assistance or to provide care or assistance to a vulnerable person,
- (d) the responsible person or worker removes the face covering to avoid harm or injury, or the risk of harm or injury, or

- (e) the responsible person or worker removes the face covering in order to, and only for the time required to, take medication.



GIVEN under my Official Seal,
4 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.)

From the 5th of December 2020, these Regulations provide for the requirement that people working in customer facing roles in premises where the principal activity is the sale of food or beverages for consumption on the premises wear face coverings unless they have a reasonable excuse.

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