



STATUTORY INSTRUMENTS.

S.I. No. 4 of 2021



HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (NO. 10) (AMENDMENT) REGULATIONS 2021

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HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (NO. 10) (AMENDMENT) REGULATIONS 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 Transport, the Minister for Enterprise, Trade and Employment, the Minister for Finance, the Minister for Justice, the Minister for Housing, Local Government and Heritage and the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media,

hereby make the following regulations:

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 10) (Amendment) Regulations 2021.

(2) These Regulations, other than Regulation 6(2)(a), shall come into operation on the 8th day of January 2021.

(3) Regulation 6(2)(a) shall come into operation at 6.00 p.m. on the 8th day of January 2021.

2. In these Regulations, “Principal Regulations” means the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 10) Regulations 2020 (S.I. No. 701 of 2020).

3. Regulation 3 of the Principal Regulations is amended by the insertion of the following definitions:

“ ‘approved housing body’ means an approved housing body within the meaning of the Housing (Regulation of Approved Housing Bodies) Act 2019 (No. 47 of 2019);

‘childcare pairing arrangement’ has the meaning assigned to it by Regulation 6A;

‘local authority’ means a local authority within the meaning of section 2 of the Local Government Act 2001 (No. 37 of 2001);”.

4. Regulation 4 of the Principal Regulations is amended, in paragraph (2), by the substitution of the following subparagraph for subparagraph (f):

“(f) access crèche or other childcare facilities, including those provided as part of a childcare pairing arrangement.”.

5. The Principal Regulations are amended by the insertion of the following Regulation after Regulation 6:

“Childcare pairing arrangements

6A. (1) Subject to paragraph (2), a specified household (the ‘first household’) may agree with one other household (the ‘second household’), which may include another specified household, that each household may be treated as part of a childcare pairing arrangement for the purpose of -

- (a) the first household providing childcare to the second household, or
- (b) each household providing reciprocal childcare to the other household,

and the first household and the second household shall, in these Regulations, each be referred to as being part of a ‘childcare pairing arrangement’.

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

- (a) neither such household may already be a part of a childcare pairing arrangement, and
- (b) neither such household may subsequently agree to be part of a childcare pairing arrangement with any other household.

(3) In this Regulation -

‘essential worker’ means a person who works, complies with a contract of employment or contract for services, or otherwise engages in work or employment where such work, compliance or engagement relates to an essential retail outlet or an essential service;

‘specified household’ means a household consisting of one or more essential workers and one or more children in respect of whom there are no childcare arrangements in place.”.

6. (1) Part 1A of the Schedule to the Principal Regulations is amended by the substitution of the following paragraph for paragraph 14:

“14. Any other retail outlet that operates an online or other remote system of ordering goods for the purposes of -

- (a) in the case of goods ordered before the 8th day of January 2021, collection of those goods at the retail outlet or delivery of such goods, and
- (b) in the case of goods ordered on or after the 8th day of January 2021, delivery of such goods.”.

(2) Part 2 of the Schedule to the Principal Regulations is amended -

(a) by the substitution of the following paragraph for paragraph 5:

“Construction and development

5. The following services relating to construction and development:

- (a) the construction or development of essential health and related projects, including those relevant to preventing, limiting, minimising or slowing the spread of Covid-19;
- (b) the construction or development of essential educational facilities at primary and post-primary level, including school building projects, which will provide additional capacity for students or involve essential maintenance or refurbishment works in support of the continued provision of education;
- (c) certain essential projects relating to the construction and development at Technological University Dublin Campus Grangegorman;
- (d) construction or development of social housing, whether contracted by, or on behalf of, a local authority or an approved housing body, (including those properties in a housing development that a

local authority or approved housing body has agreed to lease, or where a developer has agreed to transfer ownership to a local authority or approved housing body or agreed the grant of a lease to a local authority in accordance with section 96(3) of the Planning and Development Act 2000 (No. 30 of 2000)) where -

- (i) the local authority, or the approved housing body concerned, confirms that the completion of the housing project is necessary to alleviate homelessness, overcrowding, the numbers in emergency or temporary accommodation and to facilitate transfers from emergency accommodation or other forms of social housing in order to prevent, limit, minimise or slow the spread of Covid-19,
 - (ii) the project is funded, or has been approved for funding, in whole or in part, by the Department of Housing, Local Government and Heritage, and
 - (iii) the project is scheduled to be completed by the 28th day of February 2021;
- (e) essential works on vacant residential properties, owned or controlled by a local authority or an approved housing body, which are necessary to allow the property to be allocated to a household on the social housing waiting list, and which are scheduled to be completed by the 28th day of February 2021;
- (f) works of adaptation relating to a housing adaptation grant paid in

- accordance with Regulation 5 of the Housing (Adaptation Grants for Older People and People with a Disability) Regulations 2007 (S.I. No. 670 of 2007) where the person in respect of whom the grant is payable consents to such works of adaptation being undertaken in his or her home;
- (g) construction or development funded by the pyrite remediation scheme in accordance with the Pyrite Resolution Act 2013 (No. 51 of 2013) which are scheduled to be completed by the 31st day of January 2021 and where the completion of such construction or development is essential to prevent, limit, minimise or slow the spread of Covid-19;
 - (h) the repair, maintenance and construction of critical transport and utility infrastructure;
 - (i) the supply and delivery of essential or emergency maintenance and repair services to businesses and places of residence (including electrical, gas, oil, plumbing, glazing and roofing services) on an emergency call-out basis;
 - (j) housing construction and completion works ongoing on the 8th day of January 2021 where such works are scheduled to be completed by the 31st day of January 2021 and will render the home under construction capable of occupation by that date;
 - (k) construction and development projects necessary for the maintenance of supply chains in respect of services specified in subparagraphs (h) to (p) of paragraph 2 or information and communications specified in subparagraphs (c) and (d) of paragraph 9 but shall exclude general purpose facilities such as

office accommodation and car parks;

- (l) construction and development projects that relate to the direct supply of medical products for Covid-19.”, and

- (b) in paragraph 15, by the insertion of the following subparagraph after subparagraph (s):

“(sa) youth work services, within the meaning of the Youth Work Act 2001 (No. 42 of 2001), that cannot be provided remotely;”.



GIVEN under my Official Seal,
7 January, 2021.

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 amend the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 10) Regulations 2020 (S.I. No. 701 of 2020) to provide for temporary restrictions on the operation of essential retail outlets and essential services and for childcare pairing arrangements.

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