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30th September, 2022

**HEALTH SERVICES (COVID 19)(GENERAL)
(AMENDMENT)(NO.7) RULES, 2022**

Arrangement of Rules

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MINISTRY OF HEALTH AND WELLNESS

S.I. No. 94 of 2022

**HEALTH SERVICES ACT
(CHAPTER 231)**

**HEALTH SERVICES (COVID 19)(GENERAL)
(AMENDMENT)(NO.7) RULES, 2022**

The Minister, in exercise of the powers conferred by section 29 of the Health Services Act (*Ch. 231*) makes the following rules —

1. Citation and commencement.

- (1) These Rules, which amend the Health Services (Covid 19)(General) Rules, 2021, may be cited as the Health Services (Covid 19)(General)(Amendment)(No. 7) Rules, 2022.
- (2) These Rules shall come into operation on the 1st day of October, 2022.

2. Revocation and replacement of rule 9 of the principal Rules.

Rule 9 of the principal Rules is revoked and replaced as follows —

“9. Requirement to wear a face mask.

- (1) Every person shall wear a face mask while —
 - (a) attending a healthcare facility;
 - (b) in attendance in a classroom at an educational institution which has not been granted an exemption under rule 27(3) of the Health Services (Covid 19)(Prevention and Management of Community Spread) Rules, 2021; or
 - (c) performing duties as a non-resident worker in a long term residential care facility.
- (2) Where a resident of a household exhibits symptoms of Covid 19 or has tested positive for Covid 19 —
 - (a) the person exhibiting symptoms or who has tested positive for Covid 19 shall wear a mask in his residence while —
 - (i) in the presence of other members of his household; and
 - (ii) in a common area of that residence;

- (b) the other members of that household shall wear a face mask while in the presence of the resident who is exhibiting symptoms of Covid 19 or who has tested positive for Covid 19,
until that resident is Covid 19 free.
- (3) The requirement to wear a face mask is not satisfied by the wearing of a face shield in a place of a face mask.
- (4) A face mask must fit securely to the face of the wearer, ensuring that both his nose and mouth are covered at all times.”.

3. Revocation and replacement of rule 18 of the principal Rules.

Rule 18 of the principal Rules is revoked and replaced as follows —

“18. Issue of notice.

- (1) Where a police officer finds any person committing an offence prescribed in paragraph (7), or has reason to believe that any person has committed such an offence (“the alleged offender”) he may then serve upon the alleged offender the fixed penalty notice prescribed in the Schedule charging him with the commission of the offence.
- (2) The police officer shall at the time of such service, notify the alleged offender —
 - (a) of his requirement to appear before a magistrate on the day specified in the notice to answer the charge; and
 - (b) that he has the opportunity of having his appearance before a magistrate waived and of having no conviction recorded against him should he sign the notice in the appropriate place in acknowledgement of his guilt and return it to the magistrate's clerk specified in the notice, together with the sum mentioned in the notice in payment of the fixed penalty.
- (3) Notwithstanding anything to the contrary in any law, the alleged offender who signs the notice and pays the fixed penalty before the expiration of the date specified in the notice for payment, which date shall not be later than fourteen days following the date of service of the notice on the alleged offender, shall be treated for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of, or sentenced for, the offence in respect of which payment was made.
- (4) Subject to paragraph (8), where the alleged offender is served a notice under paragraph (1), in respect of an offence, no proceedings shall be taken against him for that offence until the expiration of the date specified in the notice for payment.
- (5) Payment of the fixed penalty shall be made to the clerk of the magistrate's court specified in the notice and the admission of guilt and the sum paid shall, subject to paragraph (3), be dealt with by the magistrate of that court in the same manner as an adjudication by him upon the admission of an offence punishable on summary conviction and for which no conviction is recorded.

- (6) In any proceedings, a certificate that payment of the fixed penalty was or was not paid to the relevant magistrate's clerk by the date specified in the certificate shall, if the certificate purports to be signed by the magistrate's clerk be sufficient evidence of the facts stated therein, unless the contrary is proved.
- (7) For the purposes of this rule, the fixed penalty prescribed by this rule shall be for the offence of violating quarantine or isolation contrary to rule 23 of the Health Services (Covid 19)(Prevention and Management of Community Spread) Rules, 2021, five hundred dollars.
- (8) In any proceedings for an offence to which paragraph (1) applies, no reference shall be made about the conviction of the alleged offender to the giving of any notice under this rule, or to the payment or non-payment of the fixed penalty, unless in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the alleged offender to the giving of such a notice or as the case may be to such payment or non- payment.
- (9) A notice issued to a person under paragraph (1), shall for the purposes of these Rules or any other law, be deemed to be a summons issued to that person by the magistrate or the magistrate's court specified in the notice for the appearance of that person in the event where he does not sign the notice in acknowledgement of his guilt and make payment of the fixed penalty.
- (10) For the purposes of this rule, the notice shall be in the form in the *Schedule*.”.

Made this 30th day of September, 2022

Signed
ALFRED M. SEARS
Minister responsible for Public Health