



STATUTORY INSTRUMENTS.

S.I. No. 544 of 2022



PAYMENT OF WAGES ACT 1991 (APPLICATION OF SECTIONS 4B TO
4F) REGULATIONS 2022

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I, LEO VARADKAR, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 4A (inserted by section 3 of the Payment of Wages (Amendment) (Tips and Gratuities) Act 2022 (No. 23 of 2022)) of the Payment of Wages Act 1991 (No. 25 of 1991), having regard to the matters specified in subsections (3)(a) and (4)(a) of that section and having complied with subsections (3)(b) and (4)(b) of that section, hereby make the following regulations:

1. These Regulations may be cited as the Payment of Wages Act 1991 (Application of Sections 4B to 4F) Regulations 2022.

2. These Regulations shall come into operation on the 1st day of December 2022.

3. In these Regulations –

“online digital platform” means a website or a digital mobile application;

“premises” includes a vehicle and a vessel;

“Principal Act” means the Payment of Wages Act 1991 (No. 25 of 1991);

“public service vehicle” has the meaning it has in the Road Traffic Act 1961 (No. 24 of 1961);

“relevant service” means –

- (a) in relation to an employer to which sections 4B to 4E of the Principal Act apply, the service or services referred to in Part 1 of the Schedule that are provided by that employer, and
- (b) in relation to a person to which section 4F of the Principal Act applies, the service or services referred to in Part 2 of the Schedule that are provided by that person.

4. Where an employee’s responsibilities relate, in whole or in part, to at least one of the services referred to in Part 1 of the Schedule, the employer is prescribed as an employer to which sections 4B to 4E of the Principal Act apply.

5. A person who –
 - (a) controls, manages, directs or is otherwise responsible, directly or indirectly, for an online digital platform by which natural persons may, wholly or mainly for purposes unrelated to the natural person's trade, business or profession, access a service referred to in Part 2 of the Schedule,
 - (b) allows such natural persons to use the online digital platform to pay a tip or gratuity, and
 - (c) engages contract workers to provide the relevant service,is prescribed as a person to whom section 4F of the Principal Act applies.

SCHEDULE

Regulation 4

Part 1

1. The sale of beverages (including intoxicating liquor) or food for consumption on the premises at which such beverage or food is sold.
2. The sale of beverages (including intoxicating liquor) or food by means of casual trading (within the meaning of section 2 of the Casual Trading Act 1995 (No. 19 of 1995)).
3. The accommodation of overnight guests on a commercial basis in a hotel, guesthouse, hostel, bed and breakfast, self-catering accommodation facility or any similar accommodation facility.
4. Providing guided tours.
5. Carrying out non-surgical cosmetic procedures including the following:
 - (a) cosmetic nail care;
 - (b) nail styling;
 - (c) hair care;
 - (d) hair styling;
 - (e) tattoo services;
 - (f) piercing services;
 - (g) skin care services.
6. The provision of services relating to gaming in a manner authorised by the Gaming and Lotteries Act 1956 (No. 2 of 1956) at a premises that is used primarily for the provision of such services.

7. The provision of services as a licensed bookmakers (within the meaning of the Betting Act 1931 (No. 27 of 1931)).
8. Providing transport services by means of a public service vehicle other than the following:
 - (a) services provided under a public transport services contract entered into under section 48 of the Dublin Transport Authority Act 2008 (No. 15 of 2008);
 - (b) services provided under a public bus passenger service licence granted under section 7 of the Public Transport Regulation Act 2009 (No. 37 of 2009);
 - (c) services provided exclusively for carrying children to or from a school.

Regulation 5

Part 2

9. Ordering beverages (including intoxicating liquor) or food for delivery to a place other than the premises at which such beverage or such food is prepared or stocked.
10. Providing transport by means of a public service vehicle.



GIVEN under my Official Seal,
28 October, 2022.

LEO VARADKAR,
Minister for Enterprise, Trade and Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations prescribe the employer or class of employer to whom sections 4B to 4E of the Payment of Wages Act 1991 (No. 25 of 1991) (inserted by section 3 of the Payment of Wages (Amendment) (Tips and Gratuities) Act 2022 (No. 23 of 2022) shall apply. Where an employee's responsibilities relate, in whole or in part, to at least one of the services referred to in Part 1 of the Schedule to the Regulations, the employer is prescribed as an employer to which sections 4B to 4E of the Principal Act apply. A person who controls, manages, directs or is otherwise responsible, directly or indirectly, for an online digital platform service referred to in Part 2 of the Schedule is prescribed as a person to whom section 4F of the Payment of Wages Act 1991 (No. 25 of 1991) applies.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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