



STATUTORY INSTRUMENTS.

S.I. No. 183 of 2021



HEALTH ACT 1947 (EXEMPTED TRAVELLER) (COVID-19)
(AMENDMENT) (NO. 3) REGULATIONS 2021

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The Minister for Health, in exercise of the powers conferred on him by sections 5, 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)) (in so far as it relates to regulation 2(c) and (e)) and 38G (inserted by section 7 of the Health (Amendment) Act 2021 (No. 1 of 2021)) of the Health Act 1947 (No. 28 of 1947) and, in relation to regulation 2(c) and (e) -

- (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 Foreign Affairs and the Minister for Children, Equality, Disability, Integration and Youth,

hereby make the following regulations:

1. (1) These Regulations may be cited as the Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 3) Regulations 2021.

(2) These Regulations shall come into operation on the 17th day of April 2021.

2. The Health Act 1947 (Exempted Traveller) (Covid-19) Regulations 2021 (S.I. No. 134 of 2021) are amended -

- (a) by the insertion, in Regulation 2, of the following definitions:
 - “ ‘certification of vaccination’ means a record or evidence in written or electronic form in the Irish language or the English language, or, where in a language other than the Irish or English language, an official translation into the Irish or English language, that contains the following information:
 - (a) confirmation that the person to whom the certification refers is a vaccinated person;
 - (b) the date or dates on which the person was vaccinated;
 - (c) the body in the state concerned implementing the vaccination programme (howsoever described) on behalf of the state that administered or caused to be administered the vaccination to the person concerned;

‘dependant person’ has the same meaning as it has in section 38B(25) of the Act of 1947;

‘vaccinated person’ means -

- (a) a person to whom the medicinal product for active immunisation to prevent Covid-19 known as ‘COVID-19 Vaccine Moderna CX-024414’ has been administered such that the second dose of the medicinal product concerned has been administered to the person not less than 14 days before his or her arrival in the State,
- (b) a person to whom the medicinal product for active immunisation to prevent Covid-19 known as ‘Vaxzevria (previously COVID-19 Vaccine AstraZeneca) ChAdOx1-SARS-COV-2’ has been administered such that the second dose of the medicinal product concerned has been administered to the person not less than 15 days before his or her arrival in the State,
- (c) a person to whom the medicinal product authorised for active immunisation to prevent Covid-19 known as ‘Comirnaty BNT162b2’ has been administered such that the second dose of the medicinal product concerned has been administered to the person not less than 7 days before his or her arrival in the State, or
- (d) a person to whom the medicinal product for active immunisation to prevent Covid-19 known as ‘COVID-19 Vaccine Janssen (Ad26.COVS2-S [recombinant])’ has been administered, to the person not less than 14 days before his or her arrival in the State;”,

(b) by the insertion of the following Regulation after Regulation 8:

“9. (1) For the purposes of paragraph (j) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947, a person is prescribed as an exempted traveller -

- (a) where the person is -
 - (i) on the date of departure for travel into the State, less than 28 days old,
 - (ii) a responsible adult in respect of a person referred to in clause (i), or
 - (iii) a dependant person accompanying a responsible adult and person referred to in clause (i),

and

- (b) the responsible adult referred to in subparagraph (a)(ii) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 10.

(2) In this Regulation, ‘responsible adult’ means a person (other than a dependant person) who is 18 years of age or older who travels to the State with a person referred to in paragraph (1)(a)(i).”,

- (c) by the insertion of the following Regulation after Regulation 9:

“10. A relevant person or a member of the Garda Síochána may request a responsible adult referred to in clause (ii) of Regulation 9(1)(a) to provide such information or documentation as may be required in order to ascertain whether or not clauses (i) and (ii) and, if applicable, (iii), of that Regulation apply.”,

- (d) by the insertion of the following Regulation after Regulation 10:

“11. For the purposes of paragraph (j) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947, a person is prescribed as an exempted traveller -

- (a) where the person -

- (i) has a certification of vaccination, or
- (ii) is a dependant person accompanying the person referred to in subparagraph (i),

and

- (b) the person referred to in paragraph (a)(i) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 12.”,

and

- (e) by the insertion of the following Regulation after Regulation 11:

“12. A relevant person or a member of the Garda Síochána may request a person referred to in Regulation 11(a)(i) to provide such information or documentation as may be required in order to ascertain whether or not he or she is a vaccinated person and, if applicable, whether or not a person accompanying him or her is a dependant person.”.



GIVEN under the Official Seal of the Minister for Health,
17 April, 2021.

FERGAL GOODMAN,

A person authorised under section 15 of the Ministers and
Secretaries Act 1924 to authenticate the seal of the
Minister for Health.

EXPLANATORY NOTE

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

These regulations define infants under the age of 28 days and adults and other dependants accompanying them and persons fully vaccinated against Covid-19 with certain vaccines as exempted travellers for the purposes of section 38B (25) (inserted by section 7 of the Health (Amendment) Act 2021) of the Health Act 1947, as amended

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