



S.I. No. 134 of 2021
HEALTH ACT 1947 (EXEMPTED TRAVELLER) (COVID-19)
REGULATIONS 2021
REVISED

Updated to 19 April 2021 and no further amendments have been made since this date.

This Revised Statutory Instrument is an administrative consolidation of the *Health Act 1947 (Exempted Traveller) (Covid-19) Regulations 2021*. It is prepared by the Office of the Attorney General on behalf of the Department of Health.

All statutory instruments up to and including the Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 3) Regulations 2021 (S.I. No. 183 of 2021) were considered in the preparation of this Revised Statutory Instrument.

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Introduction

This Revised Statutory Instrument presents the text of the Statutory Instrument as it has been amended since it was made by the Minister of Health, and preserves the format in which it was made.

Annotations

This Revised Statutory Instrument is annotated and includes textual amendments.

Statutory instruments included in this revision:

- *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 3) Regulations 2021* (S.I. No. 183 of 2021)
- *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 2) Regulations 2021* (S.I. No. 181 of 2021)
- *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) Regulations 2021* (S.I. No. 173 of 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 regulations 3 and 5) 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 regulations 3 and 5 –

- (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 Finance, Minister for Transport, the Minister for Foreign Affairs, and the Minister for Justice,*

*With regard to S.I. No. 181 of 2021, the Minister for Justice, the Minister for Foreign Affairs and the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media were consulted regarding Regulation 8.

With regard to S.I. No. 183 of 2021, the Minister for Justice, the Minister for Foreign Affairs and the Minister for Children, Equality, Disability, Integration and Youth were consulted regarding Regulations 10 and 12.

hereby makes the following regulations:

1. (1) These Regulations may be cited as the Health Act 1947 (Exempted Traveller) (Covid-19) Regulations 2021.

(2) These Regulations shall come into operation on the 26th day of March 2021.

2. In these Regulations –

“Act of 1947” means the Health Act 1947 (No. 28 of 1947);

F1 [“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;]

F2 [“dependant person” has the same meaning as it has in section 38B(25) of the Act of 1947;]

“relevant person” has the meaning assigned to it by Regulation 3;

“relevant test result” means, in relation to a transit passenger, a record or evidence, in written or electronic form, confirming that –

- (a) the person has been subject to a RT-PCR test,
- (b) such test was administered to the person no more than 72 hours before he or she arrives in the State, and
- (c) Covid-19, or the virus SARS-CoV-2, was not detected in the person at the time of taking the test;

“RT-PCR test” means a reverse transcription polymerase chain reaction test, the purpose of which is to detect the presence of Covid-19, or the virus SARS-CoV-2, in the person to whom it is administered;

F3 [“Sport Ireland certification” means a written certification that is provided to a person by Sport Ireland under Regulation 9(11) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) Regulations 2021 (S.I. No. 135 of 2021);]

“transit passenger” means a person prescribed under Regulation 4;

F4 [“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.COV2-S [recombinant])' has been administered, to the person not less than 14 days before his or her arrival in the State.]

Amendments

F1 Inserted (17.4.2021) by *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 3) Regulations 2021* (S.I. No. 183 of 2021), reg. 2 (a).

F2 Inserted (17.4.2021) by *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 3) Regulations 2021* (S.I. No. 183 of 2021), reg. 2 (a).

F3 Inserted (15.4.2021) by *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 2) Regulations 2021* (S.I. No. 181 of 2021), reg. 2 (a).

F4 Inserted (17.4.2021) by *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 3) Regulations 2021* (S.I. No. 183 of 2021), reg. 2 (a).

3. The following persons (each of whom, in these Regulations, is referred to as a “relevant person”) are specified as relevant persons for the purposes of these Regulations:

- (a) authorised officers;
- (b) medical officers of health;
- (c) officers of the Minister for Justice, being immigration officers appointed by that Minister under section 3 of the Immigration Act 2004 (No. 1 of 2004);
- (d) officers of customs (within the meaning of the Customs Act 2015 (No. 18 of 2015));
- (e) any officer, employee or agent of the Health Service Executive who is acting in the course of his or her duty as such officer, employee or agent.

4. 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 where the person –

- (a) arrives at a port or airport in the State for the purposes of travelling to another state,
- (b) does not leave the port or airport concerned before so travelling,
- (c) has a relevant test result, if he or she is more than 7 years of age,
- (d) presents himself or herself to a relevant person or a member of the Garda Síochána on arrival at a port or airport in the State, and
- (e) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 5.

5. A relevant person or a member of the Garda Síochána may request a transit passenger:

- (a) to provide such information or documentation as may be required in order to verify that the transit passenger has arrived in the State for the purposes of travelling to another state;
- (b) to remain at the place where he or she presents himself or herself to the relevant person or a member of the Garda Síochána, or at such other place in the port or airport as he or she may be requested to remain by the relevant person or a member of the Garda Síochána;
- (c) to go to such place in the port or airport as requested by the relevant person or a member of the Garda Síochána or to accompany the relevant person or a member of the Garda Síochána to such a place.

F5 [6. 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 where the person –

(a) arrives in the State during the period beginning on the 6th day of April 2021 and ending on the 11th day of April 2021 having been, within a period of 14 days prior to such arrival, in –

(i) the Republic of Albania, or

(ii) the State of Israel,

and

(b) has not during the period of 14 days prior to such arrival been in any designated state other than a state referred to in subparagraph (i) or (ii) of paragraph (a).]

F6 [7. 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 where the person -

(a) holds a valid Sport Ireland certification, and

- (b) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 8.]

F7 [8. A relevant person or a member of the Garda Síochána may request a person to provide such information or documentation as may be required in order to ascertain whether or not the person holds a valid Sport Ireland certification.]

F8 [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).]

F9 [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.]

F10 [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.]

F11 [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.]

Amendments

F5 Inserted (12.4.2021) by *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) Regulations 2021* (S.I. No. 173 of 2021), reg. 2.

F6 Inserted (15.4.2021) by *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 2) Regulations 2021* (S.I. No. 181 of 2021), reg. 2 (b).

F7 Inserted (15.4.2021) by *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 2) Regulations 2021* (S.I. No. 181 of 2021), reg. 2 (c).

F8 Inserted (17.4.2021) by *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 3) Regulations 2021* (S.I. No. 183 of 2021), reg. 2 (b).

F9 Inserted (17.4.2021) by *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 3) Regulations 2021* (S.I. No. 183 of 2021), reg. 2 (c).

F10 Inserted (17.4.2021) by *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 3) Regulations 2021* (S.I. No. 183 of 2021), reg. 2 (d).

F11 Inserted (17.4.2021) by *Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 3) Regulations 2021* (S.I. No. 183 of 2021), reg. 2 (e).

GIVEN the Official Seal of
the Minister for Health,
25 March, 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.