



STATUTORY INSTRUMENTS.

S.I. No. 366 of 2021



HEALTH ACT 1947 (EXEMPTED TRAVELLER) (COVID-19)
(AMENDMENT) (NO. 7) 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)) (insofar as it relates to regulation 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 regulation 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 Transport, the Minister for Foreign Affairs, the Minister for Housing, Local Government and Heritage, the Minister for Justice, the Minister for Enterprise, Trade and Employment and the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media,

hereby makes the following regulations:

1. (1) These Regulations may be cited as the Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 7) Regulations 2021.

(2) These Regulations shall come into operation on the 19th day of July 2021.

2. In these Regulations, “Principal Regulations” means the Health Act 1947 (Exempted Traveller) (Covid-19) Regulations 2021 (S.I. No. 134 of 2021).

3. Regulation 2 of the Principal Regulations is amended by the insertion of the following definitions:

“‘certificate of recovery’ means -

- (a) an EU Digital Covid Certificate referred to in Article 3(1)(c) of the Digital Covid Certificate Regulation,
- (b) a Covid-19 certificate that has been -
 - (i) issued by a state other than a Member State, and
 - (ii) recognised as equivalent to a certificate referred to in paragraph (a) pursuant to an implementing act adopted by the

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 20th July, 2021.*

Commission in accordance with Article 3 or Article 8 of the Digital Covid Certificate Regulation, or

(c) a proof of recovery;

‘Digital Covid Certificate Regulation’ means Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021¹ on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic;

‘EU Digital Covid Certificate’ has the meaning it has in the Digital Covid Certificate Regulation;

‘proof of recovery’ 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 data specified in subparagraphs (a) to (h) of paragraph 3 of the Annex to the Digital Covid Certificate Regulation;

‘vaccination certificate’ means -

- (a) an EU Digital Covid Certificate referred to in Article 3(1)(a) of the Digital Covid Certificate Regulation, or
- (b) a Covid-19 certificate that has been -
 - (i) issued by a state other than a Member State, and
 - (ii) recognised as equivalent to a certificate referred to in paragraph (a) pursuant to an implementing act adopted by the Commission in accordance with Article 3 or Article 8 of the Digital Covid Certificate Regulation;”.

4. Regulation 4 of the Principal Regulations is amended, in paragraph (c), by the substitution of “12 years of age” for “7 years of age”.

5. The Principal Regulations are amended by the insertion of the following regulations after Regulation 20:

¹ OJ No. L 211, 15.06.2021, p.1.

“21. 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) is the holder of a valid vaccination certificate or a valid certificate of recovery, 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 22.

22. A relevant person or a member of the Garda Síochána may request a person referred to in Regulation 21(a)(i) to provide such information or documentation as may be required in order to ascertain whether or not the person holds a valid vaccination certificate or a valid certificate of recovery, as the case may be, 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 July, 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 made under 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)) 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) amend the regulations set out in SI 134 of 2021 to prescribe persons who are in possession of a Digital Covid Certificate (within the meaning of Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021) providing evidence of vaccination against Covid-19 or evidence of recovery from Covid-19 as exempt within the definition of an exempted person contained in section 38B (25) of the Health Act 1947, as amended.

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