



S.I. No. 135 of 2021

HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)  
(COVID-19) (RESTRICTIONS UPON TRAVEL TO THE STATE FROM  
CERTAIN STATES) (NO. 5) REGULATIONS 2021  
REVISED

Updated to 8 December 2021 and no further amendments have been made since this date.

This Revised Statutory Instrument is an administrative consolidation of the *Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) 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 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021) were considered in the preparation of this Revised Statutory Instrument.

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S.I. No. 135 of 2021  
HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)  
(COVID-19) (RESTRICTIONS UPON TRAVEL TO THE STATE FROM  
CERTAIN STATES) (NO. 5) REGULATIONS 2021

REVISED

## Introduction

This Revised Statutory Instrument presents the text of the Statutory Instrument as it has been amended since it was made by the Minister for 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 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021)
- *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 6) Regulations 2021* (S.I. No. 639 of 2021)
- *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021)
- *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 4) Regulations 2021* (S.I. No. 566 of 2021)
- *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 3) Regulations 2021* (S.I. No. 420 of 2021)
- *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021)
- *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) Regulations 2021* (S.I. No. 276 of 2021)
- *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) Regulations 2021* (S.I. No. 242 of 2021)

S.I. No. 135 of 2021

HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)  
(COVID-19) (RESTRICTIONS UPON TRAVEL TO THE STATE FROM  
CERTAIN STATES) (NO. 5) REGULATIONS 2021

REVISED

Updated to 8 December 2021

The Minister for Health, in exercise of the powers conferred on him by sections 5 and 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)) of the Health Act 1947 (No. 28 of  
1947) and –

- (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:

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\* In relation to S.I. No. 639 of 2021 and S.I. No. 662 of 2021, the Minister for Health in addition had regard “to the fact that the sudden and rapid emergence of certain variants of Covid-19 presents a particularly acute need to act expeditiously in order to prevent, limit, minimise or slow the spread of Covid-19” in making the amending regulations in the S.I.

## Part 1

### Preliminary and general

#### Citation, revocation, commencement and operation

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) Regulations 2021.

(2) The Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 4) Regulations 2021 (S.I. No. 44 of 2021) are revoked.

(3) These Regulations shall come into operation on the 26<sup>th</sup> day of March 2021 and shall have effect for the period beginning on that day and ending on the **F1** [9<sup>th</sup> day of February 2022].

#### **Amendment**

**F1** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 3.

#### **E1** Previous affecting provisions:

Substituted (08.06.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) Regulations 2021* (S.I. No. 276 of 2021), reg. 2;

Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 3;

Substituted (31.10.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 4) Regulations 2021* (S.I. No. 566 of 2021), reg. 3; Substituted as per F1.

## Definitions

2. In these Regulations –

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

**F2** [“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 Commission in accordance with Article 3 or Article 8 of the Digital Covid Certificate Regulation, or

(c) a proof of recovery;]

“Covid-19 Passenger Locator Form” means a Covid-19 Passenger Locator Form within the meaning of the Health Act 1947 (Section 31A - Temporary Requirements) (Covid-19 Passenger Locator Form) Regulations 2021 (S.I. No. 45 of 2021);

“designated state” has the same meaning as it has in the Act of 1947;

**F3** [“Digital Covid Certificate Regulation” means Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021<sup>1</sup> 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;]

**F4** [“EU Digital Covid Certificate” has the meaning it has in the Digital Covid Certificate Regulation;]

**F5** [“European state” means -

(i) a Member State of the European Union,

(ii) a contracting party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992 (as adjusted by the Protocol signed at Brussels on 17 March 1993),

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<sup>1</sup> OJ No. L 211, 15.06.2021, p. 1

(iii) Andorra,

(iv) Monaco,

(v) San Marino,

(vi) Holy See, and

(vii) Switzerland;]

“exempted traveller” means –

(a) a person –

(i) who –

(l) holds a valid annex 3 certificate in accordance with the  
Communication from the Commission on the  
implementation of the Green Lanes under the  
Guidelines for border management measures to

protect health and ensure the availability of goods and essential services<sup>2</sup>, or

(II) is a driver of a heavy goods vehicle, and

(ii) who arrives in the State in the course of performing his or her duties,

(b) an aircraft pilot, other aircrew, maritime master or maritime crew who arrives in the State in the course of performing his or her duties,

(c) a person who –

(i) travels to the State from a relevant state in circumstances where it is impossible for the person to secure a relevant test result before so travelling, and

(ii) is in possession of written confirmation from the Minister for Foreign Affairs that the person has an urgent humanitarian reason for so travelling,

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<sup>2</sup> OJ No. C 96I, 24.3.2020, p. 1

- (d) a person who travels to the State pursuant to an arrest warrant, extradition proceedings or other mandatory legal obligation,
- (e) a person who –
  - (i) travels to the State in the course of performing his or her duties, and
  - (ii) is a member of the Garda Síochána, the Defence Forces or an equivalent body or organisation outside the State,
- (f) a person who travels to the State for an unavoidable, imperative and time-sensitive medical reason, and that reason is certified by a person who is a registered medical practitioner or a person holding an equivalent qualification **F6** [outside the State, or]
- (g) a person who, having been outside the State to provide services to, or perform the functions of –
  - (i) an office holder appointed under any enactment or under the Constitution, or
  - (ii) a member of either House of the Oireachtas or the European Parliament,

is required to travel to the State in order to continue providing such services, or performing such functions **F7** [as the case may be;]

(h) **F8** [ ... ]

(i) **F9** [ ... ]

“international organisation” means –

- (a) an organisation, and subordinate bodies of an organisation, governed by public international law, or
- (b) any other body that is established by, or on the basis of, an agreement between 2 or more states;

“place of residence” means –

- (a) in relation to a person who is ordinarily resident in the State –
  - (i) the home in which the person ordinarily resides, or

(ii) if the person does not have a home, such other premises, if any, at which he or she is currently residing, whether on a permanent or temporary basis, or

(b) in relation to a person who is not ordinarily resident in the State, the premises in the State, if any, at which he or she is currently residing or intends to reside after arriving in the State, whether on a permanent or temporary basis;

**F10** [“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;]

**F11** [“proof of vaccination” means a record or evidence, including evidence made up of a number of records or documents, 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 record or evidence refers is a vaccinated person;

(b) the date or dates on which the person was vaccinated;

- (c) the body in the state concerned –
  - (i) implementing the vaccination programme (howsoever described) on behalf of the state that administered or caused to be administered the vaccination to the person concerned, or
  - (ii) that has been authorised to issue such record or other evidence to the person concerned;]

**F12** [“rapid antigen test” means a 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 -

- (a) that relies on detection of viral proteins (antigens) using a lateral flow immunoassay designed to give results in less than 30 minutes,
- (b) of a type included, for the time being, in the common list of COVID-19 rapid antigen tests agreed in accordance with the Council Recommendation of 21 January 2021 on a common framework for the use and validation of rapid antigen tests and the mutual recognition of COVID-19 test results in the EU,
- (c) that is conducted by a health professional or similarly skilled testing personnel, and

- (d) in respect of which a certificate is issued confirming that the test is of a type referred to in paragraph (b) and indicating the type of test, the date on which the test was carried out and the result of the test;]

“Regulations of 2021” means the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 4) Regulations 2021 (S.I. No. 44 of 2021);

“relevant geographical location” means a geographical location to which an affected areas order applies;

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

“relevant state” means any state, country, territory, region or other place outside the State, other than Northern Ireland;

**F13** [“relevant test result” means –

- (a) in relation to a person other than a person referred to in paragraph (b) or (c), any record or evidence, in written or electronic form, confirming that -
  - (i) the person has been subject to a RT-PCR test,
  - (ii) such test was administered to the person no more than 72 hours before the person arrives in the State, and

- (iii) Covid-19, or the virus SARS-CoV-2, was not detected in the person at the time of taking the test,
- (b) in relation to a person who has been infected with Covid-19, or the virus SARS-CoV-2, any record or evidence, in written or electronic form -
  - (i) confirming that -
    - (I) the person has been subject to a RT-PCR test,
    - (II) such RT-PCR test was administered to the person no less than 11 days prior to the date on which the person arrives in the State and no more than 180 days prior to the date on which the person so arrives, and
    - (III) Covid-19, or the virus SARS-CoV-2, was detected in the person at the time of taking the RT-PCR test, and
  - (ii) confirming that -
    - (I) the person has been subject to a rapid antigen test,

- (II) such rapid antigen test was administered to the person no more than 48 hours prior to the date on which the person arrives in the State, and
    - (III) Covid-19, or the virus SARS-CoV-2, was not detected in the person at the time of taking the rapid antigen test, or
- (c) in relation to a person who is the holder of a valid proof of vaccination or a valid certificate of recovery, any record or evidence, in written or electronic form, confirming that -
  - (i) the person has been subject to a RT-PCR test or a rapid antigen test,
  - (ii) such test was administered to the person -
    - (I) in the case of a RT-PCR test, no more than 72 hours before the person arrives in the State, or
    - (II) in the case of a rapid antigen test, no more than 48 hours before the person arrives in the State, and
    - (iii) Covid-19, or the virus SARS-CoV-2, was not detected in the person at the time of taking the test;]

“relevant traveller” has the meaning assigned to it by Regulation 4;

“responsible adult” has the meaning assigned to it by Regulation 6;

“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 **F14** [administered, and includes for the avoidance of doubt such a test by whatever name called];

“transit traveller” means a relevant traveller who arrives at a port or airport in the State for the purposes of travelling to another state, and does not leave the port or airport concerned before so travelling;

“travel organiser” has the meaning assigned to it by Regulation 7;

**F15** [“vaccinated person” means -

- (a) a person to whom the medicinal product for active immunisation to prevent Covid-19 known as “Spikevax (previously 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”, also known as “Covishield”, 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,
- (d) a person to whom the medicinal product authorised 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,
- (e) a person to whom the medicinal product for active immunisation to prevent Covid-19 known as “COVID-19 Vaccine (Vero Cell) Inactivated”, also known as “CoronaVac”, 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,

- (f) a person to whom the medicinal product for active immunisation to prevent Covid-19 known as “Inactivated COVID-19 (VERO CELL) vaccine”, also known as “SinoPharm / BIBP” 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,
- (g) a person to whom any combination of the medicinal products referred to in paragraphs (a), (b), (c), (e) and (f) has been administered such that the second dose of the relevant combination has been administered to the person -
  - (i) in the case of the second dose being the medicinal product referred to in paragraph (a), not less than 14 days before his or her arrival in the State,
  - (ii) in the case of the second dose being the medicinal product referred to in paragraph (b), not less than 15 days before his or her arrival in the State,
  - (iii) in the case of the second dose being the medicinal product referred to in paragraph (c), not less than 7 days before his or her arrival in the State,

- (iv) in the case of the second dose being the medicinal product referred to in paragraph (e), not less than 14 days before his or her arrival in the State, or
- (v) in the case of the second dose being the medicinal product referred to in paragraph (f), not less than 14 days before his or her arrival in the State, or
- (h) a person to whom one dose of a medicinal product referred to in paragraphs (a), (b), (c), (e) or (f) has been administered no more than 180 days after the person was subject to a RT-PCR test the result of which confirmed that Covid-19, or the virus SARS-CoV-2, was detected in the person at the time of taking the test.]

**F16 [ ... ]**

#### **Amendments**

**F2** Inserted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(a).

**F3** Inserted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(a).

**F4** Inserted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(a).

**F5** Inserted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(a).

**F6** Substituted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(a)(i)(I).

**F7** Substituted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(a)(i)(II).

**F8** Deleted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(a)(i)(III).

**F9** Deleted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 4(a)(iii).

**F10** Inserted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(a).

**F11** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 4(b).

**F12** Inserted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(a)(ii).

**F13** Substituted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(a)(iii).

**F14** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 4(c).

**F15** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 4(d).

**F16** Deleted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 4(e).

## **Editorial Notes**

Previous affecting provisions:

**E2** Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(b)(i); Substituted as per F6.

**E3** Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(b)(ii);

Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 4(a)(i);

Substituted as per F7.

**E4** Inserted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(b)(iii);

Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 4(a)(ii);

Deleted as per F8.

**E5** Inserted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(b)(iii); Deleted as per F9.

**E6** Inserted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(a); Substituted as per F11.

**E7** Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(c); Substituted as per F13.

**E8** Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(a); Substituted as per F15.

**E9** Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 4(a);

Substituted (11.08.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 3) Regulations 2021* (S.I. No. 420 of 2021), reg. 2;

Substituted as per F16.

### **Relevant Persons**

3. (1) 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) (each of whom, in these Regulations other than Regulation 9, is referred to as a “relevant person”) are specified as relevant persons for the purposes of these Regulations other than Regulation 9.

(2) Medical officers of health (each of whom, in Regulation 9, is referred to as a “relevant person”) are specified as relevant persons for the purposes of Regulation 9.

### **Relevant traveller**

4. In these Regulations, “relevant traveller” means a person who –

- (a) is not an exempted traveller, and
- (b) arrives in the State having been in a relevant state at any time in the period of 14 days prior to the date on which he or she so arrives.

## Provision of certain information or documentation relating to travel

5. (1) **F17** [A relevant traveller who is 18 years of age or older shall] –

(a) on arrival in the State, where the relevant traveller arrives in the State at a port or airport –

(i) present himself or herself to a relevant person, and

(ii) give or otherwise make available a relevant test result

**F18** [relating to himself or herself and any relevant traveller in respect of whom he or she is a responsible adult (within the meaning of Regulation 6(7))] to the relevant person, or

(b) where the relevant traveller arrives in the State other than at a port or airport, or at a port or airport in which there is no relevant person–

(i) retain a relevant test result relating to himself or herself **F19** [and any relevant traveller in respect of whom he or she is a responsible adult (within the meaning of Regulation 6(7))] for a period of 14 days after so arriving, and

(ii) give or otherwise make available the relevant test result **F20** [or relevant test results] to a relevant person or a member of

the Garda Síochána when requested to do so by such person or member.

**F21 [(1A) F22 [A relevant traveller who is the holder of a valid proof of vaccination or a valid certificate of recovery and]** arrives in the State other than at a port or airport, or at a port or airport in which there is no relevant person, shall -

- (a) retain the **F23 [proof of vaccination]** or certificate of recovery, as the case may be, relating to himself or herself for a period of 14 days after so arriving, and
- (b) give or otherwise make available the **F24 [proof of vaccination]** or certificate of recovery, as the case may be, to a relevant person or a member of the Garda Síochána when requested to do so by such person or member.]

**F25 [(1B)** A relevant traveller to whom Regulation 6(2) applies shall comply with the requirements of paragraph (1).]

(2) Where a relevant person or member of the Garda Síochána considers it necessary to do so, he or she may request a person, on the person's arrival in the State or as soon as practicable thereafter, to provide or make available to the relevant person such information or documentation as the relevant person or member of the Garda Síochána may reasonably require in order to ascertain whether or not the person –

(a) has a relevant test result,

**F26** [(aa) has a valid proof of vaccination or a valid certificate of recovery,]

(b) is a relevant traveller,

(c) is an exempted **F27** [traveller.]

(d) **F28** [ ... ]

(3) A person shall comply with a request under paragraph (2).

(4) **F29** [Paragraphs **F30** [(1) and (3)] are penal provisions for the purposes of section 31A of the Act of 1947.

#### **Amendments**

**F17** Substituted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(b)(i)(I).

**F18** Inserted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(b)(i)(II).

**F19** Inserted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(b)(i)(III).

**F20** Inserted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(b)(i)(IV).

**F21** Inserted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 5(a).

**F22** Substituted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(b)(ii).

**F23** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 5(a)(i).

**F24** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 5(a)(ii).

**F25** Inserted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(b)(iii).

**F26** Inserted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(b)(iv).

**F27** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 5(b)(i).

**F28** Deleted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 5(b)(ii).

**F29** Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 5(c).

**F30** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 5(c).

## **Part 2**

### **Obligations relating to pre-travel Covid-19 tests**

### **Obligations on relevant travellers**

6. (1) A relevant traveller who is 18 years of age or older shall not travel to the State without having a relevant test result.

(2) A relevant traveller who –

(a) is more than **F31** [12 years of age] and less than 18 years of age, and

(b) is not accompanied by a responsible adult,

shall not travel to the State without having a relevant test result.

(3) A person shall ensure that a relevant traveller in respect of whom he or she is a responsible adult does not travel to the State without having a relevant test result.

(4) Where –

(a) there are 2 or more responsible adults in relation to a relevant traveller, and

(b) the requirement in paragraph (3) is satisfied by any one of the responsible adults,

the requirement shall be deemed to be complied with by all such responsible adults.

**F32 [(5)** Without prejudice to paragraph (1), a relevant traveller (other than a transit traveller) who arrives in the State without having a relevant test result shall, as soon as practicable after so arriving and in any event not later than 36 hours after so arriving -

- (a) undertake a RT-PCR test,
- (b) retain the result of the RT-PCR test for 14 days after receiving the result, and
- (c) produce, within the 14 day period referred to in paragraph (b), on request of a member of the Garda Síochána, the result of the test so taken.]

**F33 [(5A)** Without prejudice to paragraphs (1) and (5), a relevant traveller (other than a transit traveller) who arrives in the State without having a relevant test result shall, during the period of 10 days beginning on the date on which he or she arrives in the State, remain in –

- (a) where a Covid-19 Passenger Locator Form was completed in respect of the person, the place of residence specified on the Covid-19 Passenger Locator Form, or

- (b) where no Covid-19 Passenger Locator Form was completed in respect of the person, the person's place of residence.

(5B) Paragraph (5A) shall no longer apply to a relevant traveller where he or she obtains written confirmation that -

- (a) the relevant traveller has been subject to a RT-PCR test,
- (b) such test was administered during the period referred to in paragraph (5A), and
- (c) Covid-19, or the virus SARS-CoV-2, was not detected in the relevant traveller at the time of taking the test.

(5C) A relevant traveller to whom paragraph (5A) applies may only leave or be absent from his or her place of residence during the period to which that paragraph applies for such period as is strictly necessary -

- (a) for unavoidable reasons of an emergency nature to protect a person's health or welfare,
- (b) to travel from his or her point of entry into the State to the place of residence in which he or she is required by paragraph (5A) to remain,

(c) to leave the State, or

(d) to avail of a RT-PCR test for the purposes of this Regulation.]

(6) **F34** [Paragraphs (1), (3), (5) and (5A)] are penal provisions for the purposes of section 31A of the Act of 1947.

(7) In this Regulation, “responsible adult” means, in relation to a relevant traveller who is more than **F35** [12 years of age] and less than 18 years of age, a person who—

(a) is 18 years of age or older,

(b) travels to the State with the relevant traveller, and

(c) is responsible, alone or jointly with another person, for that relevant traveller for all or part of the journey by which the relevant traveller arrives in the State.

#### **Amendments**

**F31** Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 6(a).

**F32** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 6.

**F33** Inserted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(c)(i).

**F34** Substituted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(c)(ii).

**F35** Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 6(b).

### **Obligations on travel organisers**

7. (1) A travel organiser, in relation to a person whose arrival in the State it organises, effects or facilitates shall –

(a) take reasonable steps to inform the person of his or her obligations under these Regulations,

(b) take reasonable steps to check whether or not the person has a relevant test result, and

(c) **F36** [subject to paragraph (2), refuse to organise], effect or facilitate the travel of the person to the State where the person has not, to the satisfaction of the travel organiser, demonstrated that he or she has a relevant test result.

(2) **F37** [Paragraphs (1)(b) and (1)(c)] shall not apply in relation to a person whose arrival in the State is organised, effected or facilitated by a travel organiser where the

person declares to the travel organiser, or an officer, employee or agent of the travel organiser, that he or she **F38** [is an exempted **F39** [traveller]] **F40** [or a person to whom the requirements of Regulation 6(1) and (2) do not apply].

(3) In this Regulation, “travel organiser” means a person who –

(a) by providing a person with access to or use of a vehicle, organises, effects or facilitates the arrival of the person in the State from a relevant state, and

(b) is –

(i) a body corporate, or

(ii) in relation to a person who organises, effects or facilitates the arrival of the person in the State by providing access to or use of a vehicle on a private and exclusive basis, the owner of such vehicle.

#### **Amendments**

**F36** Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 7(a).

**F37** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 7(a).

**F38** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 7(b).

**F39** Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 7(b).

**F40** Inserted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(d).

## **F41 [Part 2A**

### **Requirements applicable to travel connected to particular states**

#### **Interpretation (Part 2A)**

7A. In this Part –

“applicable test result” means, in relation to a person, any record or evidence, in written or electronic form, confirming that –

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

“relevant Regulations” means the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 6) Regulations 2021 (S.I. No. 639 of 2021);

“scheduled state” means a state referred to in the Schedule.

### **Restriction on travel to the State in certain circumstances**

7B. (1) Subject to paragraph (2), a person who has been in a scheduled state shall not travel to, attempt to travel to, or arrive in the State during the period of 14 days from the day on which he or she was last in that state.

(2) This Regulation shall not apply to a person who –

(a) arrives in the State in the course of performing his or her duties and either—

(i) holds a valid annex 3 certificate in accordance with the Communication from the Commission on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services<sup>3</sup>, or

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<sup>3</sup> OJ No. C 96I, 24.3.2020, p. 1

- (ii) is a driver of a heavy goods vehicle,
- (b) is an aircraft pilot, other aircrew, a maritime master or maritime crew who arrives in the State in the course of performing his or her duties,
- (c) is a person to whom the privileges and immunities conferred by –
  - (i) the Vienna Convention on Diplomatic Relations done at Vienna on the 18th day of April 1961, or
  - (ii) the Vienna Convention on Consular Relations done at Vienna on the 24th day of April 1963,

apply in the State,
- (d) is a person to whom the privileges and immunities conferred by an international agreement or arrangement or customary international law apply in the State, pursuant to the Diplomatic Relations and Immunities Acts 1967 to 2006 or any other enactment or the Constitution,
- (e) is a Union citizen within the meaning of Article 20(1) TFEU or a national of a country or territory other than the State or a Member State (in this Part referred to as a “third country”) who, under an

agreement between the Union and its Member States, on the one hand, and the third country, on the other hand, enjoys rights of free movement equivalent to those of Union citizens, as well as the respective family members of such citizens,

(f) is a national of a third country who has a right of residence in the State derived from Directive 2004/38/EC, from other EU Directives or from the law of the State, or

(g) insofar as they are not included in paragraphs (e) or (f), is a citizen of the United Kingdom of Great Britain and Northern Ireland.

**F42 [(3)** Where a relevant person suspects, with reasonable cause, that a person is travelling, attempting to travel, or has travelled in contravention of paragraph (1), the relevant person may request that the person provide such information or documentation to the relevant person as he or she may reasonably require in order to ascertain whether or not the person is travelling in contravention of paragraph (1).

(4) A person shall comply with a request under paragraph (3).

(5) Paragraphs (1) and (4) are penal provisions for the purpose of section 31A of the Act of 1947.]

**Amendment**

**F42** Substituted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(e).

**Requirement of certain persons to remain in place of residence**

7C. (1) In this Part, “applicable period”, in relation to a person to whom this Regulation applies, means in the case of a person who arrives in the State on or after the date on which the relevant Regulations come into operation –

- (a) 14 days from the date on which he or she so arrives, or
- (b) where the person remains in the state for a period shorter than 14 days after so arriving, the entirety of the period during which the person remains in the State.

(2) Subject to this Regulation, a person to whom this Regulation applies shall, during the applicable period, remain in –

- (a) where a Covid-19 Passenger Locator Form was completed in respect of the person, the place of residence specified on the Covid-19 Passenger Locator Form, or
- (b) where no Covid-19 Passenger Locator Form was completed in respect of the person, the person’s place of residence.

(3) A person to whom this regulation applies who is, during the applicable period or during the period of time additional to the applicable period provided for in this paragraph, subject to a RT-PCR test confirming that Covid-19, or the virus SARS-CoV-2, was detected in the person at the time of taking the test, shall, notwithstanding the expiry of the applicable period, continue to remain in the place of residence referred to in paragraph (2) for the period of 10 days from the date on which the test was taken.

(4) Paragraph (2) shall no longer apply to a person to whom this Regulation applies on and from the tenth day of the applicable period where he or she –

- (a) avails of a test, or tests as the case may be, in accordance with Regulation 7E(1), and
- (b) obtains written confirmation that the result of the RT-PCR test, or both such tests, as the case may be, was that Covid-19, or the virus SARS-CoV-2, was not detected in the person at the time of taking the test.

(5) A person to whom this Regulation applies may, during the applicable period, or the **F43** [additional period referred to in paragraph (3)], only leave or be absent from his or her place of residence for such period as is strictly necessary –

- (a) for unavoidable reasons of an emergency nature to protect a person's health or welfare,
- (b) to travel from his or her point of entry into the State to the place of residence in which he or she is required by paragraph (2) to remain,
- (c) to leave the State, or
- (d) to avail of a RT-PCR test for the purposes of this Part.

(6) This Regulation applies to a person who arrives in the State on a date (in this paragraph referred to as the “relevant date”) that is on or after the date on which the relevant Regulations come into operation and has been in a scheduled state during the period of 14 days prior to the relevant date, other than a person –

- (a) referred to in paragraphs (a) or (b) of the definition of “exempted traveller”,
- (b) to whom the privileges and immunities conferred by –
  - (i) the Vienna Convention on Diplomatic Relations done at Vienna on the 18th day of April 1961, or

(ii) the Vienna Convention on Consular Relations done at Vienna  
on the 24th day of April 1963,

apply in the State,

or

(c) to whom the privileges and immunities conferred by an international  
agreement or arrangement or customary international law apply in  
the State, pursuant to the Diplomatic Relations and Immunities Acts  
1967 to 2006 or any other enactment or the Constitution.

(7) Paragraph (2) is a penal provision for the purposes of section 31A of the Act  
of 1947.

**Amendment**

**F43** Substituted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(f).

**Obligation relating to pre-departure testing**

7D. (1) Notwithstanding anything in Part 2, a person to whom this Regulation applies  
shall –

(a) on arrival in the State, where the person arrives in the State at a port  
or airport -

- (i) present himself or herself to a relevant person, and
- (ii) give or otherwise make available an applicable test result to the relevant person, or
- (b) where the person arrives in the State other than at a port or airport, or at a port or airport in which there is no relevant person -
  - (i) retain an applicable test result relating to himself or herself for a period of 14 days after so arriving, and
  - (ii) give or otherwise make available the applicable test result to a relevant person or a member of the Garda Síochána when requested to do so by such person or member.

(2) This Regulation applies to a person **F44** [who is 6 years of age or older and] who arrives in the State on or after the date on which the relevant Regulations come into operation, having been in a scheduled state during the period of 14 days prior to so arriving.

(3) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.

**Amendment**

**F44** Inserted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(g).

## Obligations relating to testing while in State

7E. (1) A person to whom this Regulation applies shall make reasonable efforts to avail of a RT-PCR test –

(a) where the applicable period is of 2 or more days' duration, on the second day of the applicable period, and

(b) where the applicable period is of 8 or more days' duration, on the second and eighth day of the applicable period.

(2) This Regulation applies to a person **F45** [who is 6 years of age or older and] who arrives in the State on or after the date on which the relevant Regulations come into operation, having been in a scheduled state during the period of 14 days prior to so arriving.

(3) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.]

### Amendments

**F41** Inserted (29.11.2021 and 30.11.2021\*) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 6) Regulations 2021* (S.I. No. 639 of 2021), reg. 3. \*Regulations 7A, 7B, 7C and 7E come into force on 29.11.2021, while Regulation 7D comes into force on 30.11.2021.

**F45** Inserted (05.12.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 7) Regulations 2021* (S.I. No. 662 of 2021), reg. 3(h).

## Travel connected to certain states

### Application of Part 3

8. [ ... ]

### Obligation on certain persons to self-quarantine

9. [ ... ]]

#### **Amendment:**

**F46** Revoked (31.10.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 4) Regulations 2021* (S.I. No. 566 of 2021), reg. 4.

## Part 4

### Miscellaneous

#### Data protection

10. (1) Subject to paragraphs (3) and (4), personal data, including data concerning health, provided to a relevant person or member of the Garda Síochána in accordance with these Regulations may be processed by the Minister for Justice and one or more relevant persons, for the purposes of –

(a) recording and verifying information provided regarding a relevant test result, including whether or not a person is in possession of a relevant test result, and

(b) recording and verifying information provided regarding whether or not a person –

(i) is an exempted traveller,

(ii) is a relevant traveller,

(iii) **F47** [ ... ]

(iv) is a responsible **F48** [adult, or]

**F49** [(v) is the holder of a **F50** [proof of vaccination] or a certificate of recovery.]

(2) For the purposes of these Regulations, the Minister for Justice –

(a) is designated as data controller in relation to personal data processed for the purposes of these Regulations, and

- (b) shall put in place appropriate data processing contracts, where necessary, with relevant persons processing personal data under these Regulations.

(3) Subject to paragraph (4) –

- (a) where a relevant person or member of the Garda Síochána is satisfied with a relevant test result presented to him or her under Regulation 6(5), no personal data or data concerning health shall be processed in relation to the relevant test result, and
- (b) personal data collected for the purpose of these Regulations shall not be retained for any period beyond which they are required for the purposes of these Regulations, and shall be permanently deleted after they are no longer so required.

(4) Notwithstanding paragraph (3), where personal data collected in accordance with these Regulations are required for the purposes of the prevention, investigation, detection or prosecution of a criminal offence, the data –

- (a) may be processed for as long as they are required for such prevention, investigation, detection or prosecution, and

- (b) shall be permanently deleted after they are no longer required for such prevention, investigation, detection or prosecution.

(5) Where, immediately before the coming into operation of these Regulations, personal data were being processed in accordance with –

- (a) Regulation 8(4) of the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) Regulations 2021 (S.I. No. 3 of 2021),
- (b) Regulation 8(4) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 2) Regulations 2021 (S.I. No. 11 of 2021),
- (c) Regulation 15(4) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 3) Regulations 2021 (S.I. No. 39 of 2021), or
- (d) Regulation 14(4) of the Regulations of 2021,

such data shall continue to be processed as if they were being processed under paragraph (4).

- (6) In this Regulation –

“data concerning health” has the meaning it has in the General Data Protection Regulation;

“General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)<sup>4</sup>;

“personal data” has the meaning it has in the General Data Protection Regulation;

“processing”, in relation to personal data, has the meaning it has in the General Data Protection Regulation.

#### **Amendments**

**F47** Deleted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 8(a).

**F48** Substituted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 9(b).

**F49** Inserted (19.07.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 2) Regulations 2021* (S.I. No. 367 of 2021), reg. 9(c).

**F50** Substituted (09.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 5) Regulations 2021* (S.I. No. 583 of 2021), reg. 8(b).

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<sup>4</sup> OJ No. L 119, 4.5.2016, p. 1

### **Transitional arrangements**

11. Notwithstanding their revocation by Regulation 1(2), the Regulations of 2021 shall, insofar as they relate to a relevant traveller within the meaning of the Regulations of 2021 who arrived in the State before the coming into operation of these Regulations and is required to remain in a place of residence in accordance with Regulation 10(1) or 12(1) of the Regulations of 2021, continue in operation in respect of the relevant traveller concerned until the requirement to remain in the place of residence no longer applies to the relevant traveller in accordance with the Regulations of 2021.

### **Amendment of Health Act 1947 (Section 31A - Temporary Requirements) (Covid-19 Passenger Locator Form) Regulations 2021**

12. The Health Act 1947 (Section 31A - Temporary Requirements) (Covid-19 Passenger Locator Form) Regulations 2021 are amended by the substitution of the following paragraph for paragraph (b) of Regulation 8(1):

“(b) the Garda Síochána, where required for the purposes of the prevention, detection, investigation or prosecution of a criminal offence arising from a contravention of a provision stated to be a penal provision under these Regulations, the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States)

(No. 4) Regulations 2021 (S.I. No. 44 of 2021) or 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. SI 135 of 2021 of 2021).”.

## **F51 [SCHEDULE**

1. Kingdom of Eswatini.
2. Kingdom of Lesotho.
3. Republic of Botswana.
4. Republic of Mozambique.
5. Republic of Namibia.
6. Republic of South Africa.
7. Republic of Zimbabwe.]

### **Amendment**

**F51** Inserted (29.11.2021) by *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 6) Regulations 2021* (S.I. No. 639 of 2021), reg. 4 and Sch.

GIVEN under 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.