



STATUTORY INSTRUMENTS.

S.I. No. 125 of 2021



HEALTH ACT 1947 (SECTION 38G) (PAYMENT OF CHARGEABLE
COSTS) (COVID-19) REGULATIONS 2021

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I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by sections 5 and 38G(1) (inserted by section 7 of the Health (Amendment) Act 2021 (No. 1 of 2021)) of the Health Act 1947 (No. 28 of 1947), and with the consent of the Minister for Public Expenditure and Reform, hereby make the following regulations:

1. These Regulations may be cited as the Health Act 1947 (Section 38G) (Payment of chargeable costs) (Covid-19) Regulations 2021.

2. These Regulations shall come into operation on the 22nd day of March 2021.

3. In these Regulations –

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

“relevant designated facility”, in relation to an applicable traveller, means the designated facility at which he or she is quarantining;

“state liaison officer” means a person who is present at a designated facility and who is authorised by the Minister to perform the function of granting an authorisation under Regulation 12 to an applicable traveller.

4. Subject to these regulations, an applicable traveller shall, for the purposes of section 38F(4) of the Act of 1947, be subject to the charge specified in Regulation 6 or 9, as applicable.

5. An applicable traveller who is subject to a charge under these Regulation shall pay the amount concerned directly to the approved services provider concerned.

6. An applicable traveller to whom section 38B(1)(a) of the Act of 1947 applies –

- (a) shall be subject to the following charge in respect of the period of 12 days beginning on the day on which he or she is admitted to the relevant designated facility –

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 26th March, 2021.

- (i) where he or she does not share a room in the relevant designated facility with another person, the amount specified in column 3 of Schedule 1 opposite reference number 1, and
- (ii) subject to Regulation 17, where he or she, during the period, shares a room in the relevant designated facility with another person –
 - (I) the amount specified in column 3 of Schedule 1 opposite reference number 1, and
 - (II) in respect of each person referred to in column 2 of Schedule 1 at reference number 2, 3 or 4 with whom, he or she shares the room, the amount specified in column 3 of Schedule 1, opposite that reference number, and
- (b) shall be subject to no further charge in respect of any period during which the applicable traveller or a person referred to in paragraph (a)(ii)(II) remains in the relevant designated facility following the expiration of the period referred to in paragraph (a).

7. Subject to Regulation 8, an applicable traveller to whom Regulation 6 applies shall pay the charge specified in that Regulation –

- (a) when pre-booking a place in a designated facility in accordance with section 38B(5) of the Act of 1947, and
- (b) by means of an online portal managed by the approved services provider, or by such other means of secure online payment as the approved services provider may require.

8. Subject to Regulation 12(a), where an applicable traveller fails to comply with Regulation 7, he or she shall, on arrival at the relevant designated facility, pay the charge concerned to the approved services provider.

9. An applicable traveller to whom section 38B(1)(b) of the Act of 1947 applies shall be subject to the following charge:

- (a) where he or she does not share a room in the relevant designated facility with another person, in respect of each day on which he or she is in the relevant designated facility, the amount specified in column 3 of Schedule 2 opposite reference number 1, and
- (b) subject to Regulation 17, where he or she shares a room in the relevant designated facility with another person –
 - (i) in respect of each day on which he or she is in the relevant designated facility, the amount specified in column 3 of Schedule 2 opposite reference number 1, and
 - (ii) in respect of each day on which a person referred to in column 2 of Schedule 2 at reference number 2, 3 or 4

shares the room with him or her, the amount specified in column 3 of Schedule 2, opposite that reference number.

10. Subject to Regulation 12(b), an applicable traveller to whom Regulation 9 applies shall, prior to his or her departure from the relevant designated facility, pay the charge specified in that Regulation to the approved services provider.

11. On application to him or her by the applicable traveller concerned –

- (a) where the applicable traveller is outside the State, an officer of an Irish diplomatic mission or consular office outside the State, or
- (b) in any other case, a state liaison officer,

may grant the applicable traveller an authorisation under this Regulation, where the officer is satisfied that the applicable traveller concerned is unable to pay the charge concerned at the time specified in Regulation 7, 8 or 10.

12. An authorisation granted under Regulation 11 shall permit, as the case may be –

- (a) notwithstanding that the applicable traveller is unable to make a payment at the time specified in Regulation 7 or 8, as the case may be, the making of a booking in the designated facility in respect of the applicable traveller concerned and any dependent person who is to be in the designated facility with him or her, or
- (b) the payment by the applicable traveller of the charge specified in Regulation 9 at a time that is later than the time of his or her departure from the relevant designated facility.

13. An applicable traveller who has been granted an authorisation under Regulation 11 may apply to the Minister for an exemption from the obligation to pay a charge specified in Regulation 6 or 9, which application shall be –

- (a) in the form specified by the Minister, and
- (b) accompanied by –
 - (i) a copy of an authorisation granted under Regulation 11 to the applicable traveller,
and
 - (ii) such information relating to the means of the applicable traveller, including the benefits (if any) under the Health Act 1970 and the Social Welfare Consolidation Act 2005 of which the applicable traveller is in receipt, as the Minister may specify.

14. The Minister, on receipt of an application under Regulation 13, shall consider the information contained in the application and may direct that the applicable traveller concerned:

- (a) be exempted, whether in whole or in part, from the obligation to pay the charge concerned, or
- (b) not be so exempted

15. Where –

- (a) an applicable traveller has paid a charge under Regulation 6, and
- (b) the applicable traveller or, as the case may be, a person referred to in Regulation 6(a)(ii)(II), by reason of a decision under subparagraph (i), (ii), (iv), (v), (vi) or (vii) of section 38B(17)(a) of the Act of 1947, does not remain in the relevant designated facility for the entire of the period referred to in Regulation 6(a),

the applicable traveller shall be entitled to a refund of the portion of the amount paid in respect of the period during which he or she or the person concerned does not remain in the relevant designated facility.

- 16. (a) An applicable traveller to whom subsection (11) or (14) of section 38B of the Act of 1947 applies is exempt in whole from the obligation to pay a charge specified in these Regulations.
- (b) An applicable traveller who is the subject of a direction under Regulation 14(a) is exempt, to the extent specified in the direction, from the obligation to pay a charge specified in these Regulations.

- 17. (a) Where two or more applicable travellers (who are not dependent persons) share a room in a designated facility –
 - (i) the charge specified in Regulation 6(a)(ii)(I) or Regulation 9(b) (i) shall be chargeable in respect of one such applicable traveller only,
 - (ii) the charge specified in Regulation 6(a)(ii)(II) or Regulation 9(b) (ii) shall be chargeable in respect of the other applicable travellers, and
 - (iii) the payment of the charge specified in Regulation 6 or 9, as the case may be, shall be made by one of the applicable travellers, chosen by them.
- (b) Where an applicable traveller pays, on behalf of another applicable traveller, a charge to which the second mentioned applicable traveller is subject under these Regulations, the second mentioned applicable traveller shall, subject to paragraph (c), be considered to have complied with his or her obligations to pay the charge concerned.

- (c) For the purposes of section 38F(5) of the Act of 1947, the liability of –
 - (i) each applicable traveller referred to in paragraph (a), in respect of the charge referred to in that paragraph, shall be joint and several, and
 - (ii) the first mentioned applicable traveller and the second mentioned applicable traveller (where he or she is not a dependent person) referred to in paragraph (b), in respect of the charge referred to in that paragraph, shall be joint and several.

SCHEDULE 1

(1)	(2)	(3)
1.	Rate for one adult	€1,875
2.	Rate for each additional person, of 12 years of age or older, sharing room with adult referred to at reference number 1	€625
3.	Rate for each child, who is more than 3 years of age and less than 12 years of age, sharing room with adult referred to at reference number 1	€360
4.	Rate for each infant, of less than 3 years of age, sharing room with adult referred to at reference number 1	€0

SCHEDULE 2

(1)	(2)	(3)
1.	Daily rate for one adult	€150
2.	Daily rate for each additional person, of 12 years of age or older, sharing room with adult referred to at reference number 1	€55
3.	Daily rate for each child, who is more than 3 years of age and less than 12 years of age, sharing room with adult referred to at reference number 1	€30
4.	Daily rate for each infant, of less than 3 years of age, sharing room with adult referred to at reference number 1	€0

The Minister for Public Expenditure and Reform consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Public Expenditure and Reform,
22 March, 2021.

MICHAEL MCGRATH,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
22 March, 2021.

STEPHEN DONNELLY,
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 and 38G (inserted by section 7 of the Health (Amendment) Act 2021) of the Health Act 1947 prescribe the manner in which costs chargeable to an applicable traveller under section 38F of the Act of 1947 are to be paid and to whom; and certain classes of applicable traveller who shall be exempt in whole or in part from the obligation to pay such costs.

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