



STATUTORY INSTRUMENTS.

S.I. No. 134 of 2021



HEALTH ACT 1947 (EXEMPTED TRAVELLER) (COVID-19)
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 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.

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);

“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;

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

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.



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.

EXPLANATORY NOTE

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

These regulations define transit passengers 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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