



STATUTORY INSTRUMENTS.

S.I. No. 216 of 2021

HEALTH ACT 1947 (EXEMPTED TRAVELLER) (COVID-19)
(AMENDMENT) (NO. 5) REGULATIONS 2021

HEALTH ACT 1947 (EXEMPTED TRAVELLER) (COVID-19)
(AMENDMENT) (NO. 5) REGULATIONS 2021

I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me 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 regulation 2)) 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 2 –

- (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 Justice and the Minister for Transport,

hereby make the following regulations:

1. (1) These Regulations may be cited as the Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 5) Regulations 2021.

(2) These Regulations shall come into operation on the 8th day of May 2021.

2. The Health Act 1947 (Exempted Traveller) (Covid-19) Regulations 2021 (S.I. No. 134 of 2021) are amended by the insertion of the following Regulations after Regulation 12:

“13. (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 where –

- (a) the person –
 - (i) is returning to the State having travelled to a state for an unavoidable, imperative and time-sensitive medical reason,
 - (ii) is in possession of a medical certificate from a registered medical practitioner or from a person holding an equivalent qualification outside the State to the effect that he or she had an unavoidable, imperative and time-sensitive reason for so travelling, and
 - (iii) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 14,
- (b) the person is a carer in respect of a person referred to in subparagraph (a), or
- (c) the person is a dependant person accompanying a person referred to in subparagraph (a) or a carer.

(2) In this Regulation, ‘carer’ means a person (other than a dependant person) who is responsible for the care of a person referred to in paragraph (1)(a) and who returns to the State with the person concerned.

14. A relevant person or a member of the Garda Síochána may request a person referred to in Regulation 13(1)(a) or a carer (within the meaning of Regulation 13(2)) to provide such information or documentation as may be required in order to ascertain whether or not clauses (i) and (ii) of that Regulation apply, and if applicable, whether or not a person is a carer or a dependant person, as the case may be.

15. 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 is –

- (a) responsible for the care of a person referred to in paragraph (f) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947 and he or she travels to the State with the person concerned, or
- (b) a dependant person accompanying –
 - (i) a person referred to in paragraph (a), or
 - (ii) a person referred to in paragraph (f) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947.”.

GIVEN under my Official Seal,
7 May, 2021.

STEPHEN DONNELLY,
Minister for Health.

L.S.

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 have travelled abroad for unavoidable, imperative and time-sensitive medical reasons as exempt within the meaning of the definition of an exempted person contained in section 38B (25) of the Health Act 1947, as amended.

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