



STATUTORY INSTRUMENTS.

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. 6) REGULATIONS
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
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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,
- (b) having 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, and
- (c) 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 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) (No. 6) Regulations 2021.
(2) These Regulations, other than Regulation 7D, shall come into operation on the 29th day of November 2021.
(3) Regulation 7D shall come into operation on the 30th day of November 2021.

2. In these Regulations, “Principal Regulations” means 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. 135 of 2021).

3. The Principal Regulations are amended by the insertion of the following Part after Part 2:

“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 services¹, or
 - (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 –

¹ OJ No. C 96I, 24.3.2020, p. 1

- (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.

(4) 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).

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

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

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 additional period referred to in paragraph (2), 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.

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 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.

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 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.”.

4. The Principal Regulations are amended by the insertion of the Schedule to these Regulations as the Schedule to the Principal Regulations

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.

GIVEN under the Official Seal of the Minister for Health,
28 November, 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..



L.S.

EXPLANATORY NOTE

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

These Regulations amend the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from States) (No. 5) Regulations 2021 (S.I. No. 135 of 2021) to restrict travel from certain countries and to require Covid testing and home quarantine for travellers who have been in one of these countries.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

€3.00

ISBN 978-1-3993-1260-8



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