



STATUTORY INSTRUMENTS.

S.I. No. 241 of 2021

HEALTH ACT 1947 (EXEMPTED TRAVELLER) (COVID-19)
(AMENDMENT) (NO. 6) REGULATIONS 2021

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(AMENDMENT) (NO. 6) 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)) 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 -

- (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 the Environment, Climate and Communications, the Minister for Defence, the Minister for Enterprise, Trade and Employment, 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. 6) Regulations 2021.

(2) These Regulations shall come into operation on the 14th day of May 2021.

2. The Health Act 1947 (Exempted Traveller) (Covid-19) Regulations 2021 (S.I. No. 134 of 2021) are amended –

- (a) by the insertion, in Regulation 2, of the following definitions:
 - “ ‘certification of essential services’ means a written certification that is issued by a certifying body under Regulation 18(3);
 - ‘certifying body’ means –
 - (a) the Minister for the Environment, Climate and Communications,
 - (b) the Minister for Defence,
 - (c) the Minister for Enterprise, Trade and Employment,
 - (d) the Minister for Health,
 - (e) the Minister for Justice,
 - (f) the Minister for Transport, or
 - (g) a body specified in the Schedule;

‘essential services’ mean essential repairs, maintenance, construction or safety assurance relating to -

- (a) critical transport infrastructure and services (including the commissioning and decommissioning of such infrastructure and services),
- (b) critical utility infrastructure (including the commissioning and decommissioning of such infrastructure),
- (c) critical public services,
- (d) manufacturing services,
- (e) information services, or
- (f) communications services;

‘service provider’ means a person who performs essential services;”,

- (b) by the insertion of the following Regulations after Regulation 15:

“16. 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) is a service provider who is not ordinarily resident in the State,
- (b) holds a valid certification of essential services,
- (c) travels to the State for the purpose of performing, on a temporary basis, the essential services specified in the certification of essential services, and
- (d) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 17.

17. A relevant person or a member of the Garda Síochána may request a service provider to provide such information or documentation as may be required in order to ascertain whether or not paragraphs (a) to (c) of Regulation 16 apply.

18. (1) A person who requires a service provider to travel to the State to perform essential services may apply to a certifying body for a certification of essential services.

(2) An application under paragraph (1) shall be made to the certifying body who performs functions in relation to the essential service concerned.

(3) A certifying body may, after consideration of an application in that behalf and where it is satisfied that a service provider is required to travel to the State to perform essential

services, issue a certification of essential services subject to such terms and conditions as the certifying body sees fit.

19. 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) is any one of the following:
 - (i) a member of staff in the Marine Survey Office of the Department of Transport;
 - (ii) an investigator appointed under section 26(2) of the Merchant Shipping (Investigation of Marine Casualties) Act 2000 (No. 14 of 2000);
 - (iii) an Inspector of Air Accidents appointed under Regulation 5(1) of the Air Navigation (Notification and Investigation of Accidents, Serious Incidents and Incidents) Regulations 2009 (S.I. No. 460 of 2009); or
 - (iv) a member of staff of the Irish Aviation Authority,
- (b) is returning to the State having travelled to a state to perform essential services in the course of his or her employment,
- (c) holds a letter from his or her employer stating the purpose of his or her travel from the State, and
- (d) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 20.

20. A relevant person or a member of the Garda Síochána may request a person referred to in Regulation 19(a) to provide such information or documentation as may be required in order to ascertain whether or not paragraphs (a) to (c) of that Regulation apply.”,

and

- (c) by the insertion of the following Schedule after Regulation 20 (inserted by paragraph (b)):

“SCHEDE

The Commission for Communications Regulation

The Commission for Regulation of Utilities

The Commissioners of Irish Lights

The Courts Service

EirGrid plc

Enterprise Ireland

ESB Networks DAC

An Garda Síochána

Gas Networks Ireland

IDA Ireland

The Irish Aviation Authority

The Local Government Management Agency

The Medical Bureau of Road Safety

The National Standards Authority of Ireland

The National Transport Authority

The Permanent Defence Force

The Road Safety Authority

Transport Infrastructure Ireland”.



GIVEN under my Official Seal,
13 May, 2021.

STEPHEN DONNELLY,
Minister for Health.

EXPLANATORY NOTE

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

These Regulations made under Sections 5, 31A 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 in relation to the exemption from the requirement to undergo mandatory quarantine in a designated facility in relation to persons providing essential services.

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