



STATUTORY INSTRUMENTS.

S.I. No. 143 of 2021

HEALTH ACT 1947 (SECTION 38G – RULES AND PROCEDURES FOR
REVIEW OF QUARANTINE) (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), hereby make the following regulations:

1. These Regulations may be cited as the Health Act 1947 (Section 38G – Rules and Procedures for Review of Quarantine) (Covid-19) Regulations 2021.

2. These Regulations shall come into operation on the 26th day of March 2021.

3. In these Regulations –

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

“applicant” means a person who has under section 38B(16) of the Act of 1947 requested a review of his or her quarantine or the quarantine of a dependant person;

“application form” means the application form referred to in Regulation 6(1);

“chief appeals officer” means a person appointed under Regulation 5(1) to be chief appeals officer;

“dependant person” has the same meaning as it has in section 38B of the Act of 1947;

“designated appeals officer” has the same meaning as it has in section 38B of the Act of 1947;

“relevant designated facility”, in relation to an applicant, means the designated facility at which he or she or a dependant person is quarantining;

“relevant state liaison officer”, in relation to a request for review, means the state liaison officer present at a relevant designated facility –

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 30th March, 2021.*

- (a) to whom the request for review is made, or
- (b) to whom a decision in relation to the request for review is sent by the chief appeals officer under Regulation 5(5);

“request for review” means a request, made in accordance with Regulations 7(1) to (3), or deemed under Regulation 7(5) to have been made, for review of quarantine under section 38B(16) of the Act of 1947;

“state liaison officer” means a relevant person (within the meaning of section 38B of the Act of 1947) present at a designated facility with responsibility for certain functions, including those set out in Regulation 4, relating to requests for review by applicants.

4. (1) A state liaison officer shall immediately after receiving a request for review from an applicant forward the request for review and all accompanying information and documents (including any translation of such documents) to the chief appeals officer.

(2) On receipt of a copy of a written decision (and the reasons for such decision) from the chief appeals officer in relation to a request for review, a state liaison officer shall immediately provide a copy of the decision (and the reasons for such decision) to the applicant.

(3) Where a decision in relation to a request for review confirms that an applicant or a dependant person is no longer obliged to remain in quarantine, the relevant state liaison officer shall immediately make the necessary arrangements to enable the applicant or dependant person, as the case may be, to leave the relevant designated facility.

5. (1) The Minister shall appoint a designated appeals officer to be the chief appeals officer who shall have responsibility for certain functions relating to requests for review including those set out in this Regulation.

(2) The chief appeals officer may issue guidelines to designated appeals officers in relation to the conduct of, or arrangements for, any requests for review under these Regulations.

(3) The chief appeals officer shall allocate, or provide for a system for the allocation of, requests for review to designated appeals officers.

(4) On receipt of a request for review from a relevant state liaison officer, the chief appeals officer shall immediately forward, or make arrangements for the immediate forwarding of, the request and any accompanying information and documents (including any translation of such documents) to the designated appeals officer to whom the request is allocated under paragraph (3).

(5) On receipt of a copy of a written decision (and the reasons for such decision) from a designated appeals officer in relation to a request for review, the chief appeals officer shall immediately forward a copy of the decision (and the reasons for such decision) to the relevant state liaison officer.

(6) The chief appeals officer shall make weekly reports to the Minister setting out in any given week –

- (a) the number of requests for review (including the grounds for the requests) made,
- (b) the number of requests for review concluded which resulted in a decision under section 38B(17)(b) of the Act of 1947 to refuse a request and the reasons for the refusals,
- (c) the number of requests for review concluded which resulted in a decision under section 38B(17)(a) of the Act of 1947 to confirm that the applicant, or a dependant person, as the case may be, is no longer obliged to remain in quarantine and the grounds and reasons for the decisions, and
- (d) the number of requests for review which were withdrawn or deemed to have been withdrawn.

6. (1) Upon arrival at a designated facility for the purposes of quarantine a person shall be furnished with a written notice providing an application form for the purposes of a request for review where –

- (a) his or her arrival in the State was not at a port or airport,
or
- (b) no such notice and application form was provided to him or her on arrival at a port or airport.

(2) In this Regulation –

“airport” has the same meaning as it has in section 38B of the Act of 1947;

“port” has the same meaning as it has in section 38B of the Act of 1947.

7. (1) A request for review shall be made in writing by the completion of an application form and shall –

- (a) specify the ground or grounds (set out in section 38B(16) of the Act of 1947) relied upon by an applicant,
- (b) be accompanied by such information and documents as an applicant wishes to submit, which shall be provided in legible form,
- (c) be accompanied by a list of all documents referred to in subparagraph (b),
- (d) where it is a second or subsequent request for review, identify that fact, and
- (e) subject to paragraph (2), be made to a relevant state liaison officer.

(2) A request for review may be made on any day within the hours of 8 a.m. and 8 p.m. and shall be submitted to a relevant state liaison officer.

(3) A request for review shall be in the Irish language or the English language and any documents submitted with the review shall, if in another language, be accompanied by a translation of such document into the Irish language or the English language.

(4) Where a person informs a relevant state liaison officer that the person requires the services of a translator for the purposes of paragraph (3), arrangements shall be made immediately to provide him or her with such services.

(5) Where paragraph (4) applies, a request for review shall, subject to paragraph (2), be deemed to have been made at the time a person –

- (a) informs a relevant state liaison officer of his or her requirement for the services of a translator, and
- (b) provides a relevant state liaison officer with a completed application form and the documents referred to in paragraph (1)(b) that he or she wishes to submit and requires to be translated.

(6) An applicant may at any time withdraw his or her request for review by giving notice in writing to a relevant state liaison officer.

(7) A request for review shall be deemed to have been withdrawn where an applicant completes his or her period of quarantine in a relevant designated facility in accordance with the Act of 1947 prior to the expiry of the period of 24 hours from the time the request was made or deemed to have been made.

8. (1) Subject to paragraph (2), a decision in relation to a request for review shall be determined without an oral hearing.

(2) In an exceptional case a designated appeals officer may, at his or her discretion, hold an oral hearing to determine a request for review and arrangements shall be made to enable an applicant to participate fully in the oral hearing.

(3) An oral hearing under paragraph (2) shall proceed by remote hearing.

(4) For the purposes of this Regulation, a person participates by remote hearing in an oral hearing where he or she so participates by means of technology that enables real time transmission and real time two-way audio-visual or audio communication that enables a person to participate in the hearing from a location other than where the designated appeals officer is present.

9. (1) A designated appeals officer may, for the purposes of clarification or verification of any information in a request for review, or a related purpose, contact –

- (a) the applicant,

- (b) any person referred to in the documents referred to in Regulation 7(1)(b),
 - (c) in the case of a request made under section 38B(16)(d), a registered medical practitioner, and
 - (d) any other person who, in the opinion of the designated appeals officer, may have relevant information.
- (2) A designated appeals officer, in considering a request for review shall have regard to –
- (a) the application form,
 - (b) any material submitted with the application form that is relevant to the request for review,
 - (c) any information provided by an applicant as a result of contact from the designated appeals officer under paragraph (1)(a),
 - (d) any information provided by a person as a result of contact from the designated appeals officer under paragraph (1)(b), (c) or (d),
 - (e) any guidelines provided by the chief appeals officer under Regulation 5(2), and
 - (f) any other information that is relevant to the request for review.
- (3) A designated appeals officer may, in making a decision in relation to a request for review, admit any duly authenticated written statement or other material as *prima facie* evidence of any fact or facts in the request for review in which he or she thinks it appropriate.
- (4) A designated appeals officer may refuse a request for review where, in his or her opinion, the information provided by the applicant or any person referred to in paragraph (1)(b), (c) or (d), as the case may be, is not sufficient to allow him or her to make a decision in relation to the request to review.
- (5) A designated appeals officer shall, in relation to a request for a review, make a decision to –
- (a) confirm that the applicant is no longer obliged to remain in quarantine and give reasons for the decision, or
 - (b) refuse the request and give reasons for that refusal (including where the refusal is on the grounds set out in paragraph (4), reference to that fact).
- (6) A designated appeals officer shall immediately forward a copy of his or her written decision and the reasons for such decision to the chief appeals officer.

10. Nothing in these Regulations shall prevent a person from making a second or subsequent request for review.

11. No fee or other charge shall be payable by an applicant for, or in respect of, the making or determination of a request for review.

12. There shall be paid to a designated appeals officer such remuneration and allowances as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.

GIVEN under my Official Seal,
25 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 set out the procedures to be followed in respect of requests for review of quarantine made under section 38B (16) and (17) (inserted by Section 7 of the Health (Amendment) Act of 2021 (no. 1 of 2021)) of the Health Act, 1947.

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