



STATUTORY INSTRUMENTS.

**S.I. No. 175 of 2021**

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HEALTH ACT 1947 (SECTION 38G) (COVID-19) REGULATIONS 2021

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The Minister for Health –

- (a) in exercise of the powers conferred on him 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), and
- (b) as regards Regulations 4, 5 and 6, having regard to the advice of the Chief Medical Officer of the Department of Health,

hereby makes the following regulations:

1. These Regulations may be cited as the Health Act 1947 (Section 38G) (Covid-19) Regulations 2021.

2. In these Regulations –

“Irish Prison Service” means the prison service of the Department of Justice, which is charged with the management of prisons;

“prison” has the same meaning as it has in section 2 of the Prisons Act 2007 (No. 10 of 2007);

“registered nurse” means a person whose name is entered for the time being in the nurses division of the register of nurses and midwives established under section 46 of the Nurses and Midwives Act 2011 (No. 41 of 2011).

3. The following persons are prescribed as persons approved by the Minister to conduct RT-PCR tests:

- (a) a member of staff of the Irish Prison Service who is a registered medical practitioner or a registered nurse;
- (b) a registered medical practitioner or a registered nurse providing medical services and care in a prison, other than one to whom paragraph (a) applies, at the request of the Director General of the Irish Prison Service.

4. Where, during the period for which an applicable traveller is required, under section 38B, to quarantine, and remain in quarantine, at a designated facility, the applicable traveller is remanded in custody in a prison, the requirement for the person to so quarantine –

- (a) until the expiration of the period of 14 days specified in subsection (2)(a)(i) of that section shall be reduced to a requirement for the person to so quarantine for such lesser

number of days as, when combined with the number of days spent by the person so remanded, equals 14 days,

- (b) until the receipt of the result of the RT-PCR test taken on day 10 of quarantine specified in subsection (2)(a)(ii) of that section, shall be reduced to a requirement for the person to so quarantine until the receipt of the result of a RT-PCR test taken on such lesser number day of quarantine as, when combined with the number of days spent by the person so remanded, equals day 10,
- (c) until the expiration of the period of 10 days specified in subsection (2)(b)(i) of that section shall be reduced to a requirement for the person to so quarantine for such lesser number of days as, when combined with the number of days spent by the person so remanded, equals 10 days.

5. For the purposes of calculating a period spent remanded in custody in a prison referred to in Regulation 4, a day shall be calculated on the basis of a 24 hour period.

6. Regulation 4 shall apply regardless of whether the period referred to in that Regulation for which a person is remanded in custody in prison occurs prior to or after the coming into operation of these Regulations.

GIVEN under the Official Seal of the Minister for Health,  
13 April, 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, made under sections 5 and 38G (inserted by section 7 of the Health (Amendment) Act 2021) of the Health Act 1947 prescribe certain medical personnel working in or on behalf of the Irish Prison Service as persons authorised to conduct Covid RT-PCR tests for the purposes of the Act; and provide for the circumstances in which periods of time during which an applicable traveller is remanded in custody in a prison is to be considered in the calculation of the periods of mandatory quarantine provided for in section 38B(2) of the Act.

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