



STATUTORY INSTRUMENTS.

S.I. No. 367 of 2021

HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (RESTRICTIONS UPON TRAVEL TO THE STATE FROM
CERTAIN STATES) (NO. 5) (AMENDMENT) (NO. 2) REGULATIONS
2021

HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (RESTRICTIONS UPON TRAVEL TO THE STATE FROM
CERTAIN STATES) (NO. 5) (AMENDMENT) (NO. 2) 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, and
- (b) 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. 2) Regulations 2021.

(2) These Regulations shall come into operation on the 19th day of July 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. Regulation 1 of the Principal Regulations is amended, in paragraph (3), by the substitution of “the 31st day of October 2021” for “the 19th day of July 2021”.

4. Regulation 2 of the Principal Regulations is amended -

- (a) by the insertion of the following definitions:
“‘certificate of recovery’ means -

- (a) an EU Digital Covid Certificate referred to in Article 3(1)(c) of the Digital Covid Certificate Regulation,
- (b) a Covid-19 certificate that has been -
 - (i) issued by a state other than a Member State, and
 - (ii) recognised as equivalent to a certificate referred to in paragraph (a) pursuant to an implementing act adopted by the Commission in accordance with Article 3 or Article 8 of the Digital Covid Certificate Regulation, or
- (c) a proof of recovery;

‘Digital Covid Certificate Regulation’ means Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021¹ on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic;

‘EU Digital Covid Certificate’ has the meaning it has in the Digital Covid Certificate Regulation;

‘European state’ means -

- (i) a Member State of the European Union,
- (ii) a contracting party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992 (as adjusted by the Protocol signed at Brussels on 17 March 1993),
- (iii) Andorra,
- (iv) Monaco,
- (v) San Marino,

¹ OJ No. L 211, 15.06.2021, p. 1

- (vi) Holy See, and
- (vii) Switzerland;

‘proof of recovery’ means a record or evidence in written or electronic form in the Irish language or the English language, or, where in a language other than the Irish or English language, an official translation into the Irish or English language, that contains the data specified in subparagraphs (a) to (h) of paragraph 3 of the Annex to the Digital Covid Certificate Regulation;

‘proof of vaccination’ means a record or evidence in written or electronic form in the Irish language or the English language, or, where in a language other than the Irish or English language, an official translation into the Irish or English language, that contains the following information:

- (a) confirmation that the person to whom the record or evidence refers is a vaccinated person;
- (b) the date or dates on which the person was vaccinated;
- (c) the body in the state concerned implementing the vaccination programme (howsoever described) on behalf of the state that administered or caused to be administered the vaccination to the person concerned;

‘vaccinated person’ means -

- (a) a person to whom the medicinal product for active immunisation to prevent Covid-19 known as ‘COVID-19 Vaccine Moderna CX-024414’ has been administered such that the second dose of the medicinal product concerned has been administered to the person not less than 14 days before his or her arrival in the State,
- (b) a person to whom the medicinal product for active immunisation to prevent Covid-19 known as ‘Vaxzevria (previously COVID-19 Vaccine AstraZeneca) ChAdOx1-SARS-CoV-2’, also

known as ‘Covishield’, has been administered such that the second dose of the medicinal product concerned has been administered to the person not less than 15 days before his or her arrival in the State,

- (c) a person to whom the medicinal product authorised for active immunisation to prevent Covid-19 known as ‘Comirnaty BNT162b2’ has been administered such that the second dose of the medicinal product concerned has been administered to the person not less than 7 days before his or her arrival in the State, or
- (d) a person to whom the medicinal product for active immunisation to prevent Covid-19 known as ‘COVID-19 Vaccine Janssen (Ad26.COV2-S [recombinant])’ has been administered to the person not less than 14 days before his or her arrival in the State;

‘vaccination certificate’ means -

- (a) an EU Digital Covid Certificate referred to in Article 3(1)(a) of the Digital Covid Certificate Regulation,
- (b) a Covid-19 certificate that has been -
 - (i) issued by a state other than a Member State, and
 - (ii) recognised as equivalent to a certificate referred to in paragraph (a) pursuant to an implementing act adopted by the Commission in accordance with Article 3 or Article 8 of the Digital Covid Certificate Regulation, or
- (c) a proof of vaccination;”,
- (b) in the definition of “exempted traveller” -

- (i) by the substitution, in paragraph (f), of “outside the State,” for “outside the State, or”,
- (ii) by the substitution, in paragraph (g), of “as the case may be,” for “as the case may be;”, and
- (iii) by the insertion of the following paragraphs after paragraph (g):

“(h) a person who -

- (i) arrives in the State from a non-designated state,
- (ii) has not during the period of 14 days prior to such arrival been in a designated state, and
- (iii) is the holder of a valid -
 - (I) vaccination certificate, or
 - (II) certificate of recovery, or

(i) a person who -

- (i) arrives in the State from a European state that is a non-designated state,
- (ii) has not during the period of 14 days prior to such arrival been in a designated state or in a state other than a European state, and
- (iii) has a relevant test result;”,

and

- (c) by the substitution of the following definition for the definition of “relevant test result”:

“‘relevant test result’ means -

- (a) in relation to a person (other than a person referred to in paragraph (b)), 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 arrives 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, or
- (b) in relation to a person who has been infected with Covid-19, or the virus SARS-CoV-2 , 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 less than 11 days prior to the date on which the person arrives in the State and no more than 180 days prior to the date on which the person so arrives, and
 - (iii) Covid-19, or the virus SARS-CoV-2, was detected in the person at the time of taking the test;”.

5. Regulation 5 of the Principal Regulations is amended –

- (a) by the insertion of the following paragraph after paragraph (1):

“(1A) A person who is an exempted traveller by virtue of paragraph (h) of the definition of that term who arrives in the State other than at a port or airport, or at a port or airport in which there is no relevant person, shall

- (a) retain the vaccination certificate or certificate of recovery, as the case may be, relating to himself or herself for a period of 14 days after so arriving, and
 - (b) give or otherwise make available the vaccination certificate or certificate of recovery, as the case may be, to a relevant person or a member of the Garda Síochána when requested to do so by such person or member.”,
- (b) in paragraph (2), by the substitution of the following subparagraph for subparagraph (d):
- “(d) has been in a relevant state, a designated state or a state other than a European state in the period of 14 days prior to the date on which he or she arrives in the State.”,
- and
- (c) in paragraph (4), by the substitution of “Paragraphs (1), (1A) and (3)” for “Paragraphs (1) and (3)”.
6. Regulation 6 of the Principal Regulations is amended -
- (a) by the substitution, in paragraph (2)(a), of “12 years of age” for “7 years of age”, and
 - (b) by the substitution, in paragraph (7), of “12 years of age” for “7 years of age”.
7. Regulation 7 of the Principal Regulations is amended –
- (a) in paragraph (1)(c), by the substitution of “subject to paragraph (2), refuse to organise” for “refuse to organise”, and
 - (b) in paragraph (2), by the substitution of “is an exempted traveller (other than a person who is an exempted traveller by virtue of paragraph (i) of the definition of that term)” for “is an exempted traveller”.
8. Regulation 8 of the Principal Regulations is amended in paragraph (2) -
- (a) by the substitution, in subparagraph (b), of “apply in the State,” for “apply in the State, or”,
 - (b) by the substitution, in subparagraph (c), of “the Constitution, or” for “the Constitution.”, and

(c) by the insertion of the following subparagraph after subparagraph (c):

- “(d) a person who -
- (i) is less than 18 years of age,
- (ii) travels to the State with a person who is an exempted traveller by virtue of paragraph (h) of the definition of that term, and
- (iii) has the same place of residence as the person referred to in clause (ii).”.

9. Regulation 10 of the Principal Regulations is amended in paragraph (1)(b) -

(a) by the substitution of the following clause for clause (iii):

“(iii) has been in a relevant state, a designated state or a state other than a European state in the period of 14 days prior to the date on which he or she arrives in the State,”,

(b) by the substitution, in clause (iv), of “adult, or” for “adult.”, and

(c) by the insertion of the following clause after clause (iv):

“(v) is the holder of a vaccination certificate or a certificate of recovery.”.

GIVEN under the Official Seal of the Minister for Health,
17 July, 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 Section 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) amend S.I. No. 135/2021 to exempt categories of traveller from obligations relating to pre-departure testing and self-quarantine.

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