



STATUTORY INSTRUMENTS.

S.I. No. 662 of 2021

HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (RESTRICTIONS UPON TRAVEL TO THE STATE FROM
CERTAIN STATES) (NO. 5) (AMENDMENT) (NO. 7) REGULATIONS
2021

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(COVID-19) (RESTRICTIONS UPON TRAVEL TO THE STATE FROM
CERTAIN STATES) (NO. 5) (AMENDMENT) (NO. 7) REGULATIONS
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I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me 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 make 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. 7) Regulations 2021.

(2) These Regulations shall come into operation on the 5th day of December 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 -

- (a) in Regulation 2 -
 - (i) in the definition of “exempted traveller” -
 - (I) in paragraph (f), by the substitution of “outside the State, or” for “outside the State,”,

- (II) in paragraph (g), by the substitution of “as the case may be;” for “as the case may be, or”, and
- (III) by the deletion of paragraph (h),
- (ii) by the insertion of the following definition:
 - “ ‘rapid antigen test’ means a test, the purpose of which is to detect the presence of Covid-19, or the virus SARS-CoV-2, in the person to whom it is administered -
 - (a) that relies on detection of viral proteins (antigens) using a lateral flow immunoassay designed to give results in less than 30 minutes,
 - (b) of a type included, for the time being, in the common list of COVID-19 rapid antigen tests agreed in accordance with the Council Recommendation of 21 January 2021¹ on a common framework for the use and validation of rapid antigen tests and the mutual recognition of COVID-19 test results in the EU,
 - (c) that is conducted by a health professional or similarly skilled testing personnel, and
 - (d) in respect of which a certificate is issued confirming that the test is of a type referred to in paragraph (b) and indicating the type of test, the date on which the test was carried out and the result of the test;”,
- and
- (iii) 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) or (c), 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,
 - (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 -
 - (i) confirming that -

¹ O.J. No. C24, 22.1.2021, p. 1.

- (I) the person has been subject to a RT-PCR test,
 - (II) such RT-PCR 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 RT-PCR test, and
- (ii) confirming that -
 - (I) the person has been subject to a rapid antigen test,
 - (II) such rapid antigen test was administered to the person no more than 48 hours prior to the date on which 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 rapid antigen test, or
- (c) in relation to a person who is the holder of a valid proof of vaccination or a valid certificate of recovery, any record or evidence, in written or electronic form, confirming that -
 - (i) the person has been subject to a RT-PCR test or a rapid antigen test,
 - (ii) such test was administered to the person -
 - (I) in the case of a RT-PCR test, no more than 72 hours before the person arrives in the State, or
 - (II) in the case of a rapid antigen test, no more than 48 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;”,
- (b) in Regulation 5 -
 - (i) in paragraph (1) -
 - (I) by the substitution of “A relevant traveller who is 18 years of age or older shall” for “A relevant traveller shall”,

- (II) in subparagraph (a)(ii), by the insertion of “relating to himself or herself and any relevant traveller in respect of whom he or she is a responsible adult (within the meaning of Regulation 6(7))” after “relevant test result”,
- (III) in subparagraph (b)(i), by the insertion of “and any relevant traveller in respect of whom he or she is a responsible adult (within the meaning of Regulation 6(7))” after “herself”, and
- (IV) in subparagraph (b)(ii), by the insertion of “or relevant test results” after “relevant test result”,
- (ii) in paragraph (1A), by the substitution of “A relevant traveller who is the holder of a valid proof of vaccination or a valid certificate of recovery and” for “A person who is an exempted traveller by virtue of paragraph (h) of the definition of that term who”,
- (iii) by the insertion of the following paragraph after paragraph (1A):
 - “(1B) A relevant traveller to whom Regulation 6(2) applies shall comply with the requirements of paragraph (1).”,
 - and
- (iv) in paragraph (2), by the insertion of the following subparagraph after subparagraph (a):
 - “(aa) has a valid proof of vaccination or a valid certificate of recovery,”,
- (c) in Regulation 6 -
 - (i) by the insertion of the following paragraphs after paragraph (5):
 - “(5A) Without prejudice to paragraphs (1) and (5), a relevant traveller (other than a transit traveller) who arrives in the State without having a relevant test result shall, during the period of 10 days beginning on the date on which he or she arrives in the State, 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.
 - (5B) Paragraph (5A) shall no longer apply to a relevant traveller where he or she obtains written confirmation that -

- (a) the relevant traveller has been subject to a RT-PCR test,
- (b) such test was administered during the period referred to in paragraph (5A), and
- (c) Covid-19, or the virus SARS-CoV-2, was not detected in the relevant traveller at the time of taking the test.

(5C) A relevant traveller to whom paragraph (5A) applies may only leave or be absent from his or her place of residence during the period to which that paragraph applies 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 (5A) to remain,
- (c) to leave the State, or
- (d) to avail of a RT-PCR test for the purposes of this Regulation.”,

and

- (ii) in paragraph (6), by the substitution of “Paragraphs (1), (3), (5) and (5A)” for “Paragraphs (1), (3) and (5)”,
- (d) in Regulation 7, in paragraph (2), by the insertion of “or a person to whom the requirements of Regulation 6(1) and (2) do not apply” after “exempted traveller”,
- (e) in Regulation 7B, by the substitution of the following paragraphs for paragraphs (4), (5) and (6):

“(3) 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).

(4) A person shall comply with a request under paragraph (3).

(5) Paragraphs (1) and (4) are penal provisions for the purpose of section 31A of the Act of 1947.”,

- (f) in Regulation 7C(5), by the substitution of “additional period referred to in paragraph (3)” for “additional period referred to in paragraph (2)”,
- (g) in Regulation 7D(2), by the insertion of “who is 6 years of age or older and” after “a person”, and

- (h) in Regulation 7E(2), by the insertion of “who is 6 years of age or older and” after “a person”.

GIVEN under my Official Seal,
3 December, 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 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 amend the testing requirements on passengers travelling to Ireland.

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