



STATUTORY INSTRUMENTS.

S.I. No. 719 of 2021

HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (RESTRICTIONS UPON TRAVEL TO THE STATE FROM
CERTAIN STATES) (NO. 5) (AMENDMENT) (NO. 8) REGULATIONS
2021

HEALTH ACT 1947 (SECTION 31A - TEMPORARY RESTRICTIONS)
(COVID-19) (RESTRICTIONS UPON TRAVEL TO THE STATE FROM
CERTAIN STATES) (NO. 5) (AMENDMENT) (NO. 8) 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,
- (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 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. 8) Regulations 2021.

(2) These Regulations shall come into operation on the 17th 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. Regulation 2 of the Principal Regulations is amended –

- (a) in the definition of “relevant test result”, by the substitution of the following subparagraph for subparagraph (ii) of paragraph (b):
 - “(ii) 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 –

- (A) in the case of a RT-PCR test, no more than 72 hours before the person arrives in the State, and
- (B) 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, or”,
and
- (b) in the definition of “vaccinated person” –
 - (i) by the insertion of the following paragraph after paragraph (f):

“(fa) a person to whom the medicinal product for active immunisation to prevent Covid-19 known as ‘Bharat Biotech BBV152’, also known as ‘COVAXIN’, 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,”,
 - (ii) in paragraph (g) –
 - (I) by the substitution of “(e), (f) and (fa)” for “(e) and (f)”,
 - (II) in subparagraph (iv), by the substitution of “in the State,” for “in the State, or”, and
 - (III) by the insertion of the following subparagraph after subparagraph (v):

“(vi) in the case of the second dose being the medicinal product referred to in paragraph (fa), not less than 14 days before his or her arrival in the State, or”,
 - and
 - (iii) in paragraph (h), by the substitution of “(e), (f) or (fa)” for “(e) or (f)”.

4. Regulation 7A is amended by the substitution of the following definition for the definition of “applicable test result”:

“‘applicable 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 –
- (i) confirming that –
 - (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 RT-PCR test or a rapid antigen test,
 - (II) such test was administered to the person –
 - (A) in the case of a RT-PCR test, no more than 72 hours before the person arrives in the State, or
 - (B) in the case of a rapid antigen test, no more than 48 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.”.

GIVEN under the Official Seal of the Minister for Health,
16 December, 2021.



MUIRIS O'CONNOR,
A person authorised under section 15 of the Ministers and
Secretaries Act 1924 to authenticate the seal of the 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 provide for the acceptance of an additional medical product for vaccination and to amend the definition of applicable test result.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach 6
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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