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25 June 2021

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# S.I. No. 217/2021 - Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) Regulations 2021

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 11th May, 2021.*

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,

and

(b)  having consulted with the Minister for Foreign Affairs, the Minister for Housing, Local Government and Heritage, the Minister for Transport, the Minister for Enterprise, Trade and Employment, the Minister for Finance, the Minister for Justice and the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media,

hereby make the following regulations:

**PART 1**

**Preliminary and General**

**Citation, commencement and operation**

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) Regulations 2021.

(2) These Regulations shall, subject to paragraphs (3) and (4), come into operation on the 10th day of May 2021 and shall have effect for the period beginning on that date and ending on the 5th day of July 2021.

(3) Schedule 1 shall come into operation on the 10th day of May 2021 and shall have effect for the period beginning on that date and ending on the 16th day of May 2021.

(4) Paragraph 22 of Schedule 2 shall come into operation on the 10th day of May 2021 and shall have effect for the period beginning on that date and ending on the 16th day of May 2021.

**Revocation**

2. The Health Act 1947 (Section 31A - Temporary Restrictions) (Covid- 19) Regulations 2021 (S.I. No. 168 of 2021) are revoked.

**Definitions**

3. In these Regulations -  
“Act of 1947” means the Health Act 1947 (No. 28 of 1947);

“applicable person” means a person whose place of residence is located within a relevant geographical location;

“child” means a person who has not attained the age of 18 years;

“childcare pairing arrangement” has the meaning assigned to it by Regulation 6;

“club” means a club registered under the Registration of Clubs Acts 1904 to 2008;

“dance rehearsal event” means an event held or to be held in a location other than in a dwelling wholly or partly for the purposes of -

(a)  learning, rehearsing, practising or choreographing a dance or dance routines, or

(b)  training or preparing for a dance competition or examination;

“household” means a person who lives alone or 2 or more persons who live together;

“licence” means, in relation to premises, a licence for the sale by retail of intoxicating liquor for consumption on or off the premises whether granted on production or without production of a certificate of the Circuit Court or District Court;

“local authority” means a local authority within the meaning of section 2 of the Local Government Act 2001 (No. 37 of 2001);

“necessary person” means, in relation to a sporting event, any person whose presence at the event is necessary for the event to take place, and includes -

(a) a person who is participating in the sporting event,

(b)  a member of staff of Sport Ireland or a member of staff of the relevant sporting body of an athlete or competitor participating in the event,

(c)  a coach or a trainer connected to the event,

(d)  medical personnel, including such personnel conducting doping testing, whose presence is required at the event,

(e)  a person who attends the event in order to ensure that it is conducted in accordance with the rules of the sport,

(f)  a person engaged by the organiser of the sporting event as a steward, whether in a remunerated or voluntary capacity, to implement crowd control, compliance with public health guidance and other safety measures,

(g)  a person whose attendance at the event is necessary for it to be reported, recorded or broadcast,

(h)  a person who is a parent or guardian of a person who -

(i)  is participating in the event, and

(ii) is a child,

(i)  a person accompanying a person who is participating in the event, where that person normally requires assistance in carrying out his or her daily activities, or

(j)  a person providing necessary technical, administrative, logistical or other professional services to a person described in any of subparagraphs (a) to (i);

“permitted outlet” means an outlet that is specified in Schedule 1;

“place of residence” means -

(a)  in relation to a person who is ordinarily resident in the State -

(i)  the home in which the person ordinarily resides, or

(ii)  if the person does not have a home, such other premises, if any, at which he or she is currently residing, whether on a permanent or temporary basis, or

(b)  in relation to a person who is not ordinarily resident in the State, the premises in the State, if any, at which he or she is currently residing, whether on a permanent or temporary basis;

“premises” includes part of any premises;

“premises controller” means -

(a) in relation to premises the subject of a licence, the holder of the licence, and

(b) in relation to the premises of a club, every person whose name is entered in the register of clubs as an official or member of its committee of management or governing body at the material time;

“relevant event” means an event held, or to be held, for social, recreational, exercise, cultural, entertainment or community reasons, but does not include –

(a)  an event to be held in a dwelling,

(b)  a wedding reception,

(c)  a sporting event,

(d)  a training event, or

(e)  a dance rehearsal event;

“relevant geographical location” means a geographical location to which an affected areas order applies;

“relevant venue” means a fixed or temporary venue, including a stadium, arena, grandstand, park, pitch or golf course, that would, but for the restrictions on attendance at events provided for by these Regulations, be capable of accommodating at least 5,000 persons outdoors;

“scheduled event” has the meaning assigned to it by Regulation 3A;

“specified person” means, in relation to any premises -

(a)  the premises controller of the premises,

(b)  the occupier of the premises,

(c)  the manager of the premises, or

(d)  any other person for the time being in charge of the premises;

“Sport Ireland certification” means a written certification that is provided to a person by Sport Ireland -

(a)  in accordance with Regulation 10(3),

(b)  in accordance with Regulation 11(4),

(c)  under 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), or

(d)  under any other regulations made under the Act of 1947 for the purpose of permitting the person to participate in a sporting event specified in the certification, engage in training held in preparation for a sporting event specified in the certification, or both;

“sporting event” means an event to be held in a location other than in a dwelling that is -

(a) to be held wholly or partly for competitive sport reasons, regardless of the nature of the sport or the competitive standard in question,

(b)  organised under the structure of, licenced by, or otherwise authorised by -

(i)  a national governing body of the sport in question, or

(ii)  a school, university or higher education institution, and

(c)  not a training event;

“substantial meal” means a meal -

(a)  such as might be expected to be served as a main midday or main evening meal or as a main course at either such meal, and

(b)  that is of a kind, having regard to all the circumstances, for which it would be reasonable to charge a sum that is not less than €9;

“training event” means an event -

(a)  to be held in preparation for a sporting event, and

(b)  that is supervised by a member of staff of Sport Ireland, a coach or a trainer.

3A. An event referred to in column (1) of Schedule 3 shall be deemed to be a scheduled event where –

(a) it takes place on the date specified in column (2) of that Schedule opposite the mention of that event,

(b) it takes place at the location referred to in column (3) of that Schedule opposite the mention of that event, and

(c) the number of persons attending the event does not exceed the number specified in column (4) of that Schedule opposite the mention of that event and in reckoning that number of persons no account shall be taken of –

(i) persons attending the event in a professional capacity, in the course of their employment, or in fulfilment of a contract for services, or

(ii) in the case of a sporting event, necessary persons.

**Part 2  
Temporary restrictions – national measures**

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**Restrictions of movement of applicable persons in relation to travel from place of residence to port or airport**

4. (1) Subject to paragraph (2), an applicable person shall not travel to an airport or port for the purpose of leaving the State without reasonable excuse.

(2) Without prejudice to the generality of what constitutes a reasonable excuse for the purposes of paragraph (1), such reasonable excuse includes an applicable person travelling to an airport or port for the purpose of leaving the State in order to -

(a) work, comply with a contract of employment or contract for services, or otherwise engage in work or employment,

(b)  without prejudice to the generality of subparagraph (a) –

(i) provide services to, or perform the functions of, an office holder appointed under any enactment or under the Constitution, or a member of either House of the Oireachtas, the European Parliament or a local authority, or

(ii) provide services essential to the functioning of diplomatic missions and consular posts in the State,

(c)  attend, for educational reasons -

(i) a primary or secondary school, or

(ii) a university, higher education institution or other education and training facility,page7image10144192

to the extent that it is necessary for such educational reasons to attend in person,

(d) accompany to a school referred to in subparagraph (c)(i), or to a university, higher education institution or other education and training facility referred to in subparagraph (c)(ii), any other person residing with the person, or a vulnerable person,

(e) attend a medical or dental appointment, or accompany, to such an appointment, any other person residing with the person, or a vulnerable person,

(f) seek essential medical, health or dental assistance for the person, for any other person residing with the person, or for a vulnerable person,

(g) attend to vital family matters (including providing care to vulnerable persons),

(h) attend a funeral,

(i) fulfil a legal obligation (including attending court, satisfying bail conditions, or participating in ongoing legal proceedings), attend a court office where required, initiate emergency legal proceedings or execute essential legal documents,

(j) if the person is a parent or guardian of a child, or a person having a right of access to a child, give effect to arrangements for access to the child by –

(i)  the person, or

(ii)  another person who is -

(I)  a parent or guardian of the child, or

(II)  a person having a right of access to the child, or

(k) where the person is not ordinarily resident in the State, leave the State.

(3) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.

(4) In this Regulation, “vulnerable person” means -

(a)  a person who normally requires assistance in carrying out his or her daily activities,

(b)  a person who, although not normally requiring assistance in carrying out his or her daily activities, requires such assistance because he or she is -

(i) particularly susceptible to the risk posed to health by Covid-19, or

(ii) not in a position to leave his or her place of residence due to reasons related to the spread of Covid-19 or otherwise,

or  
(c) a child.

**Restrictions on events in dwellings**

5. (1) A person shall not organise, or cause to be organised, an event to be held in a dwelling in a relevant geographical location for social or recreational reasons other than in accordance with paragraph (2) or (3).

(2) An applicable person may organise, or cause to be organised, an event to be held indoors in a dwelling in a relevant geographical location for social or recreational reasons where -

(a)  the dwelling is the applicable person’s place of residence, and

(b)  the person takes all reasonable steps to ensure that the persons attending, or proposed to attend the event (for whatever reason) are part of no more than 3 households, including the household of the person organising the event.

(3) An applicable person may organise, or cause to be organised, an event to be held in a part of a dwelling that is outdoors in a relevant geographical location for social or recreational reasons where -

(a) the dwelling is the applicable person’s place of residence, and

(b) the person takes all reasonable steps to ensure that the persons attending, or proposed to attend, the event -

(i)  do not exceed 6 persons from any number of households, including the household of the person organising the event, or

(ii)  are part of no more than 3 households, including the household of the person organising the event,

and the event is, notwithstanding paragraph (5), in either case, attended by no more than 15 persons.

(4) Where an event under paragraph (2) or (3) is attended by –

(a) a child, and

(b) a parent or guardian of such child, who is not part of the same household as the child,

the parent or guardian, as the case may be, shall be deemed to be part of the same household as the child.

(5) For the purposes of this Regulation, in reckoning the number of persons attending an event under paragraph (3)(b)(i), no account shall be taken of a child who has not attained the age of 13 years who is part of a household of a person so attending.

(6) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.

**Childcare pairing arrangements**

6. (1) Subject to paragraph (2), a specified household (the “first household”) may agree with one other household (the “second household”), which may include another specified household, that each household may be treated as part of a childcare pairing arrangement for the purpose of -

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(a) the first household providing childcare to the second household, orpage9image10203904

(b) each household providing reciprocal childcare to the other household,

and the first household and the second household shall, in these Regulations, each be referred to as being part of a “childcare pairing arrangement”.

(2) Where a specified household makes an agreement with another household in accordance with paragraph (1) -

(a) neither such household may already be a part of a childcare pairing arrangement, and

(b) neither such household may subsequently agree to be part of a childcare pairing arrangement with any other household.

(3) In this Regulation -

“relevant worker” means a person who works, complies with a contract of employment or contract for services, or otherwise engages in work or employment;

“specified household” means a household consisting of one or more relevant workers and one or more children in respect of whom there are no childcare arrangements in place.

**Restriction on persons attending events in dwellings**

7. (1) A person shall not without reasonable excuse attend an event to be held for social or recreational reasons in a dwelling in a relevant geographical location other than where the event is organised in accordance with Regulation 5(2) or 5 (3).

(2) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.

**Restrictions on relevant events and funerals**

8. (1) A person shall not organise, or cause to be organised, a relevant event in a relevant geographical location other than in accordance with paragraph (1A).

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(1A) A person may organise, or cause to be organised, a relevant event in a relevant geographical location where –

(a) in the case of a relevant event held, or to be held, before the 7th day of June 2021, the person takes all reasonable steps to ensure that –

(i)  the event takes place entirely outdoors, and

(ii)  the number of persons attending, or proposed to attend, the event does not exceed 15,

(b) in the case of a relevant event held, or to be held, on or after the 7th day of June 2021, the person takes all reasonable steps to ensure that –

(i) the event takes place entirely outdoors, and

(ii) the number of persons attending, or proposed to attend, the event –

(I) does not exceed 200 where the event is held, or to be held, in a relevant venue, or

(II) does not exceed 100 where the event is held, or to be held, other than in a relevant venue,

or  
(c) the event is a scheduled event.

(2) A person shall not organise, or cause to be organised, a funeral to be held in a relevant geographical location other than where the number of people, excluding a minister of religion or priest (or any equivalent thereof in any religion), attending the funeral does not exceed 50.

(3) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.

(4) For the purposes of this Regulation, in reckoning the number of persons attending a relevant event, no account shall be taken of persons so attending in a professional capacity, in the course of their employment, or in fulfilment of a contract for services.

**Weddings**

9. (1) A person shall not organise, or cause to be organised, a wedding in a relevant geographical location other than in accordance with paragraph (2).

(2) A person may organise, or cause to be organised, a wedding in a relevant geographical location in a premises or premises, as the case may be, other than a dwelling where the person takes all reasonable steps to ensure that –

(a) in the case of a wedding that takes place before the 7th day of June 2021 –

(i) the number of persons attending, or proposed to attend, the wedding service does not exceed 50, and

(ii) the number of persons attending, or proposed to attend, the wedding reception –

(I)  does not exceed 6, where the reception is held indoors, or

(II)  does not exceed 15, where the reception is held outdoors, or

(b) in the case of a wedding that takes place on or after the 7th day of June 2021 –

(i)  the number of persons attending, or proposed to attend, the wedding service does not exceed 50, and

(ii)  the number of persons attending, or proposed to attend, the wedding reception does not exceed 25.

(3) For the purposes of this Regulation, in reckoning the number of persons attending a wedding, no account shall be taken of -

(a)  the persons getting married, or

(b)  persons so attending in a professional capacity, in the course of their employment, or in fulfilment of a contract for services.

**Restrictions on sporting events**

10. (1) Subject to paragraph (2), a person shall not organise, or cause to be organised, a sporting event in a relevant geographical location.

(2) A person may organise, or cause to be organised, a sporting event in a relevant geographical location –

(a) in the case of a sporting event that takes place before the 7th day of June 2021, where the person takes all reasonable steps to ensure that –

(i) the event is attended, or proposed to be attended, only by necessary persons, and

(ii) every person participating in, or otherwise competing in, the event –

(I) is in receipt of financial support provided by Sport Ireland under the scheme commonly known and referred to as the Sport Ireland International Carding Scheme,

(II) competes at a senior level and is a participant in a high performance training programme of the national governing body of the sport, which body receives, from Sport Ireland, financial support commonly known and referred to as the Sport Ireland High Performance Programme Funding,

(III) is a professional sportsperson who receives payment for training and playing sport under a contract of employment with a soccer club or the rugby football organisation commonly known and referred to as the Irish Rugby Football Union,

(IV) is involved in the training and preparation of racehorses for events held under the authority of Horse Racing Ireland,

(V) is involved in the training and preparation of sport horses for events held under the authority of Horse Sport Ireland,

(VI) is involved in the training and preparation of greyhounds for events held under the authority of Rásaíocht Con Éireann,

(VII) is an athlete who is competing or playing in the sporting event and to whom a Sport Ireland certification relating to that event has been provided, or

(VIII) is a member of an inter-county team, at senior level, in a competition organised by the organisations commonly known and referred to as the Gaelic Athletic Association, the Ladies Gaelic Football Association or the Camogie Association,

(b) in the case of a sporting event that takes place on or after the 7th day of June 2021, where the person takes all reasonable steps to ensure –

(i) subject to paragraph (4), that the sporting event is held outdoors,

(ii) that the number of persons other than necessary persons attending the event –

(I) does not exceed 200 where the event is held, or to be held, in a relevant venue, or

(II) does not exceed 100, where the event is held, or to be held, other than in a relevant venue,

or

(c) where the sporting event is a scheduled event.

(3) Sport Ireland may, in relation to an applicable person -

(a)  after consulting with the Health Service Executive, and

(b)  where it is satisfied that -

(i)  the person represents, or has the potential to represent, Ireland in sporting events at an internationally competitive level,

(ii)  it is necessary for the person to participate in one or more sporting events in order to do so, and

(iii)  satisfactory public health protocols and procedures for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19 are in place in relation to all such sporting events,

provide the person with a written certification stating that he or she may attend one or more specified sporting events.

(4) The requirement in paragraph (2)(b)(i) that a sporting event be held outdoors shall not apply where –

(a) the event is attended only by necessary persons, and

(b) every person participating in, or otherwise competing in, the sporting event is a person referred to in subclauses (I) to (VIII) of paragraph (2)(a)(ii).

(5) For the purposes of this Regulation, in reckoning the number of persons other than necessary persons attending a sporting event, no account shall be taken of persons so attending in a professional capacity, in the course of their employment, or in fulfilment of a contract for services.

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**Restrictions on training events**

11. (1) Subject to paragraph (2), a person shall not organise, or cause to be organised, a training event or a dance rehearsal event in a relevant geographical location.

(2) A person may organise a training event or a dance rehearsal event in a relevant geographical location where the person takes all reasonable steps to ensure that -

(a)  other persons attending at, or otherwise participating in, the event are organised into groups of no more than 15 persons,

(b)  a group referred to in subparagraph (a), and any person forming part of such a group, is not permitted to commingle, associate with, or otherwise come into physical contact with, another such group or any other person forming part of such other group, and

(c)  the event is held outdoors.

(3) Paragraph (1) shall not apply to a training event in which every person participating in the event -

(a)  is in receipt of financial support provided by Sport Ireland under the scheme commonly known and referred to as the Sport Ireland International Carding Scheme,

(b)  competes at a senior level and is a participant in a high performance training programme of the national governing body of the sport, which body receives, from Sport Ireland, financial support commonly known and referred to as the Sport Ireland High Performance Programme Funding,

(c)  is a professional sportsperson who receives payment for training and playing sport under a contract of employment with a soccer club or the rugby football organisation commonly known and referred to as the Irish Rugby Football Union,

(d)  is involved in the training and preparation of racehorses for events held under the authority of Horse Racing Ireland,

(e)  is involved in the training and preparation of greyhounds for events held under the authority of Rásaíocht Con Éireann,

(f)  is involved in the training and preparation of sport horses for events held under the authority of Horse Sport Ireland,

(g)  is a person to whom a Sport Ireland certification has been provided for the purposes of so participating,

(ga) is a person undertaking swimming lessons in a swimming pool,

(gb) is a parent or guardian of a child referred to in subparagraph (ga),

(h)  is a member of an inter-county team, at senior level, in a competition organised by the organisations commonly known and referred to as the Gaelic Athletic Association, the Ladies Gaelic Football Association or the Camogie Association, or

(i) is a coach or trainer in respect of a person referred to in any of subparagraphs (a) to (h).

(4) Sport Ireland may, in relation to an applicable person -

(a)  after consulting with the Health Service Executive, and

(b)  where it is satisfied that -

(i)  the person represents, or has the potential to represent, Ireland in sporting events at an internationally competitive level,

(ii)  it is necessary for the person to participate in one or more training events in order to do so, and

(iii)  satisfactory public health protocols and procedures for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19 are in place in relation to all such training events,

provide the person with a written certification stating that he or she may attend one or more specified training events.

**Carrying on or provision of certain businesses or services specified in Schedule 2**

12. (1) A specified person shall ensure that members of the public are not permitted, or otherwise granted, access to a premises in a relevant geographical location where a business or service specified in Schedule 2 is carried on or otherwise provided.

(2) For the avoidance of doubt, paragraph (1) does not prohibit -

(a)  the filming or other recording of performances in a theatre, concert hall, museum or art gallery, without an audience present, for the purposes of broadcasting such performances on the internet, radio or television,

(b)  the holding of horseracing or greyhound racing at a racecourse in accordance with these Regulations, or

(c)  the use of a premises for the purposes of -

(i)  a meeting of a local authority,

(ii)  a meeting of a regional assembly (within the meaning of the Local Government Act 1991 (Regional Assemblies) (Establishment) Order 2014 (S.I. No. 573 of 2014)),

(iii)  a sitting of one or both Houses of the Oireachtas or a committee thereof (within the meaning of section 2 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 (No. 33 of 2013)),

(iv)  a meeting of a political party registered in the Register of Political Parties (within the meaning of Part III of the Electoral Act 1992 (No. 23 of 1992)) or a meeting of a parliamentary party of such political party,

(v)  access to the premises by members of the public for the use of toilet facilities where such premises is owned or operated by a local authority,

(vi)  a wedding held in accordance with Regulation 9, or

(vii) a scheduled event.

(3) Paragraph (1) is a penal provision for the purposes of section 31A of the Act of 1947.

**Requirements in relation to hotels and other services**

13. (1) (a) Subparagraph (b) applies notwithstanding anything contained in the Licensing Acts 1833 to 2018 or the Registration of Clubs Acts 1904 to 2008.

(b) Without prejudice to the generality of Regulation 12, a specified person shall ensure that –

(i) during the period beginning on the 2nd day of June 2021 and ending on the 6th day of June 2021 –

(I) members of the public are not permitted, or otherwise granted, access to a relevant premises, or permitted to remain on such premises, other than for the purpose of ordering, or collecting, or both, food or beverages for consumption off such premises,

(II) members of the public other than relevant guests are not permitted, or otherwise granted, access to a relevant accommodation premises other than for the purpose of ordering, or collecting, or both, food or beverages for consumption off such premises,

(III) relevant guests not availing of overnight accommodation in a relevant accommodation premises are not, during the relevant period, permitted, or otherwise granted, access to the relevant accommodation premises concerned, or permitted to remain on such premises, other than for the purpose of ordering, or collecting, or both, food or non-alcoholic beverages for consumption off such premises,

(IV) relevant guests who are availing of overnight accommodation in a relevant accommodation premises are not, during the relevant period, permitted to purchase or otherwise acquire intoxicating liquor, and

(V) relevant guests are not permitted to purchase or otherwise acquire intoxicating liquor for consumption on the relevant accommodation premises unless the intoxicating liquor is consumed by that relevant guest whilst such guest is seated at a table, and

(ii) on or after the 7th day of June 2021 –

(I) members of the public are not permitted, or otherwise granted, access to a part of a relevant premises that is indoors, or permitted to remain in an indoor part of such premises, other than for the purpose of ordering, or collecting, or both, food or beverages for consumption off such premises,

(II) members of the public other than relevant guests are not permitted, or otherwise granted, access to a part of a relevant accommodation premises that is indoors, or permitted to remain in an indoor part of such premises, other than for the purpose of ordering, or collecting, or both, food or beverages for consumption off such premises,

(III) persons are not permitted to purchase or otherwise acquire intoxicating liquor for consumption –

1. on a relevant premises, unless the intoxicating liquor is consumed by that person whilst such person is seated at an outdoor table, or
2. on a relevant accommodation premises, unless the intoxicating liquor is consumed by a relevant guest whilst such guest is seated at a table, and

(IV) persons are not permitted to purchase or otherwise acquire intoxicating liquor during the relevant period.

(c) For the avoidance of doubt, it is hereby declared that the period of 30 minutes referred to in section 7(1) and (2) of the Intoxicating Liquor Act 1962 (No. 21 of 1962), commonly referred to as drinking-up time, does not apply in relation to the relevant period.

(2) A specified person shall, in relation to a relevant premises or a relevant accommodation premises, make a record of the time and date that each relevant guest, or each member of the public, is permitted, or otherwise granted, access to such premises, and the name and telephone number of each relevant guest and each member of the public.

(3) A specified person shall retain and make available records made under paragraph (2) for the purposes of inspection by a member of the Garda Síochána acting in the course of his or her duties under these Regulations, or by a person appointed by the Health Service Executive for the purposes of the programme commonly known as the Covid-19 Contact Management Programme, for a period of 28 days after the records have been made.

(4) For the purposes of paragraph (2), a specified person may request a relevant guest to provide the specified person with the relevant guest’s name and telephone number and, where that specified person does so, the relevant guest shall comply with that request.

(5) (a) A specified person shall ensure that members of the public are not, during the specified period -

(i)  permitted, or otherwise granted, access to a specified premises, or

(ii)  permitted to remain on a specified premises,

except for the purpose of ordering, or collecting, or both, food or non-alcoholic beverages for consumption off the specified premises.

(b) In this paragraph -

“specified period”, in relation to specified premises to which, but for this Regulation, access by members of the public may be lawfully permitted, or otherwise granted, on and after 11.30 p.m. on a particular day, means the period -

(a)  commencing at 11.30 p.m. on that day, and

(b)  ending at -

(i) subject to subparagraph (ii), the later time on that day, or the later time on the next succeeding day, as the case may be, on and after which access by members of the public would no longer be lawful even if this Regulation had never been made, or

(ii) 6.00 a.m. on the next succeeding day in any case where such first-mentioned access would extend beyond that time but for this Regulation;

“specified premises” means a premises in a relevant geographical location where -

(a) food or non-alcoholic beverages may be lawfully sold or supplied for consumption on such premises, or

(b) food or beverages may be lawfully sold or supplied for consumption on such premises but any beverage which is an intoxicating liquor may not be so consumed.

(6) Paragraphs (1), (2) and (3) are penal provisions for the purposes of section 31A of the Act of 1947.

(7) This Regulation shall not apply to a hotel or similar accommodation that is a designated facility.

(8) In this Regulation -

“relevant accommodation premises” means a premises in a relevant geographical location where a hotel or other accommodation business or service that, but for this Regulation, is otherwise permitted by law to sell or supply intoxicating liquor for consumption on the premises, is lawfully carried on or otherwise provided;

“relevant period”, in relation to a relevant premises to which, but for this paragraph, access by relevant guests may be lawfully permitted, or otherwise granted, on and after 11.30 p.m. on a particular day, means the period -

(a)  commencing at 11.30 p.m. on that day, and

(b)  ending at the later time on that day, or the later time on the next succeeding day, as the case may be, on and after which access by members of the public would no longer be lawful even if this Regulation had never been made;

“relevant guest”, in relation to a relevant accommodation premises, means –

(a) a person availing of overnight accommodation services therein, including for social, recreational, cultural or tourist purposes, or

(b) a person attending a wedding therein without availing of overnight accommodation services therein;

“relevant premises” means a premises (other than a relevant accommodation premises) in a relevant geographical location where a business or service that, but for this Regulation, is otherwise permitted by law to sell or supply intoxicating liquor for consumption on the premises, is lawfully carried on or otherwise provided.

**Data Protection**

14. (1) Personal data collected for the purposes of these Regulations may be processed by -

(a)  a specified person for the purposes of -

(i)  complying with the requirements of these Regulations, or

(ii)  providing information to the Health Service Executive for the purposes referred to in paragraph (b),

(b)  the Health Service Executive for the purposes of the identification, tracing and contacting of persons who have been in contact with persons who have been diagnosed, or suspected of having been infected, with Covid-19, and

(c)  a member of the Garda Síochána for the purposes of -

(i)  monitoring compliance by a specified person with, or

(ii)  enforcement of,

these Regulations.

(2) For the purposes of these Regulations, a specified person, the Health Service Executive and the Garda Síochána are designated as data controllers in relation to personal data respectively processed by them pursuant to paragraph (1).

(3) Subject to paragraph (4), personal data collected for the purposes of these Regulations shall be permanently deleted no later than 28 days after the records referred to in Regulation 13 have been collected under paragraph (2) of that Regulation.

(4) Where personal data collected in accordance with these Regulations are required for the purposes of the prevention, investigation, detection or prosecution of a criminal offence, the data -

(a)  may be processed for as long as they are required for such prevention, investigation, detection or prosecution, and

(b)  shall be permanently deleted after they are no longer required for such prevention, investigation, detection or prosecution.

(5) In this Regulation -

“General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 20161 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

“personal data” has the meaning it has in the General Data Protection Regulation;

“processing”, in relation to personal data, has the meaning it has in the General Data Protection Regulation.

**SCHEDULE 1**

*Regulation 2*

**SCHEDULE 2**

*Regulation 12*

**Relevant businesses**

1. Concert halls.
2. Theatres insofar as they operate before the 7th day of June 2021.
3. Art galleries (other than privately owned art galleries offering artworks for sale) except insofar as they operate to provide general admittance to members of the public.
4. Museums, except insofar as they operate to provide general admittance to members of the public.
5. Libraries, except insofar as they operate to provide lending services to members of the public.
6. Cultural indoor attractions, except insofar as they operate to provide general admittance to members of the public.
7. Circuses.
8. Nightclubs and discotheques, including those licenced under the Public Dance Halls Act 1935 (No. 2 of 1935).
9. Bingo halls, other than outdoor bingo at which persons attending do so in motor vehicles and remain in the vehicles without exiting the motor vehicles for the duration of such attendance.
10. Private Members’ Clubs (howsoever described) where gaming (within the meaning of the Gaming and Lotteries Act 1956 (No. 2 of 1956)) is carried on exclusively amongst members of the Private Members’ Club and is the primary purpose of such Private Members’ Club.
11. Ice skating rinks other than insofar as such rinks operate outdoors on or after the 7th day of June 2021.
12. Roller skating rinks other than insofar as such rinks operate outdoors on or after the 7th day of June 2021.
13. Indoor leisure facilities, including dance studios and gyms, other than insofar as they provide facilities for use by persons taking exercise on an individual basis on or after the 7th day of June 2021.
14. Swimming pools, other than insofar as they provide facilities for use, on or after the 7th day of June 2021, by–

(i) persons taking exercise on an individual basis, or

(ii) persons for the purpose of participating in swimming lessons.

1. Bowling alleys, amusement arcades, soft play areas and other indoor children’s play areas.
2. Funfairs, including funfairs within the meaning of the Gaming and Lotteries Act 1956 (No. 2 of 1956) other than insofar as such funfairs operate outdoors on or after the 7th day of June 2021.
3. Amusement halls licensed in accordance with the Gaming and Lotteries Act 1956 (No. 2 of 1956).
4. Amusement parks and theme parks other than insofar as such parks operate outdoors on or after the 7th day of June 2021.
5. Outlets selling food or beverages whether on a retail or wholesale basis and whether in a non-specialised or specialised outlet except –

(a)  insofar as they sell food or beverages on a takeaway basis or for consumption off the premises,

(b)  insofar as they are staff canteens operating for the exclusive use of persons working in, or at, a particular premises,

(c)  outlets that provide hotel or other accommodation services to guests, or

(d)  outlets that provide food or beverages for consumption on a part of the premises that is wholly outdoors on or after the 7th day of June 2021.

**SCHEDULE 3**

*Regulation 3A*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | *(1) Event* | *(2) Date* | *(3) Location* | *(4) Maximum number of persons* |
| 1. | Offaly v Derry, Men’s National Football League Match | 19th day of June 2021 | Croke Park, Dublin | 2,400 |
| 2. | Camogie national league final | 20th day of June 2021 | Croke Park, Dublin | 3,000 |
| 3. | Irish Chamber Orchestra performance | 23rd day of June 2021 | University of Limerick Concert Hall, Limerick | 519 |
| 4. | Shamrock Rovers v Drogheda, League of Ireland match | 25th day of June 2021 | Tallaght Stadium, Dublin | 1,000 |
| 5. | Athletics Ireland National Championships | 26th day of June 2021 | Morton Stadium, Dublin | 400 |
| 6. | Indoor concert | 26th day of June 2021 | INEC, Kerry | 200 |
| 7. | Race meeting | 26th day of June 2021 | Curragh racecourse, Kildare | 1,000 |
| 8. | Ladies Gaelic Football Association League Finals (Divisions 1 and 2) | 26th day of June 2021 | Croke Park, Dublin | 4,000 |
| 9. | Shelbourne v Cork City, Women’s National League match | 26th day of June 2021 | Tolka Park, Dublin | 750 |



GIVEN under my Official Seal,

9 May, 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 revoke the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) Regulations 2021 (S.I. No. 168 of 2021), as amended. These Regulations provide for temporary restrictions on a range of indoor and outdoor events, along with temporary restrictions on access by the public to a range of businesses and services. The Regulations remain in operation until 02 June 2021.

# Table of Regulations amending the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) Regulations 2021

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | | SI 267/2021 - Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) (Amendment) Regulations 2021 | 1/6/2021 | 4/6/2021 | | SI 291/2021 - Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) (Amendment) (No. 2) Regulations 2021 | 18/6/2021 | 22/6/2021 | |  |  |  | |  |  |  | |  |  |  | |

# S.I. No. 120/2020 - Health Act 1947 (Affected Areas) Order 2020

|  |  |  |
| --- | --- | --- |
|  |  | *Notice of the making of this Statutory Instrument was published in* |
|  |  | *“Iris Oifigiúil” of 10th April, 2020.* |
|  |  | The Minister for Health, in the exercise of the powers conferred on him by section 31B of the [Health Act 1947](http://www.irishstatutebook.ie/1947/en/act/pub/0028/index.html) (No. 28 of 1947), having regard to the matters specified in section 31A(2) of that Act and to the advice of the Chief Medical Officer of the Department of Health and having consulted with the Minister for Justice and Equality, the Minister for Finance and the Minister for Public Expenditure and Reform, hereby orders as follows: |
|  |  | 1. This Order may be cited as the Health Act 1947 (Affected Areas) Order 2020. |
|  |  | 2. It is hereby declared that the State (being every area or region thereof) is an area where there is known or thought to be sustained human transmission of Covid-19. |
|  |  | /images/ls |
|  |  | GIVEN under the Official Seal of the Minister for Health, |
|  |  | 7 April, 2020. |
|  |  | SIMON HARRIS, |
|  |  | Minister for Health. |
|  |  | EXPLANATORY NOTE |
|  |  | (*This note is not part of the Instrument and does not purport to be a legal interpretation.*) |
|  |  | This Order declares that the State (being every area or region thereof) is an area where there is known or thought to be sustained human transmission of Covid-19. |

# Table of Regulations amending the Affected Areas Order

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | |  |  |  | |  |  |  | |  |  |  | |

# S.I. No. 45/2021 - Health Act 1947 (Section 31A -Temporary Requirements) (Covid-19 Passenger Locator Form) Regulations 2021

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 9th February, 2021.*

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, and

(b)  having consulted with the Minister for Foreign Affairs, the Minister for Justice and the Minister for Transport,

hereby make the following regulations:

**Citation, revocation, commencement and operation**

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A - Temporary Requirements) (Covid-19 Passenger Locator Form) Regulations 2021.

(2) The Health Act 1947 (Section 31A - Temporary Requirements) (Covid- 19 Passenger Locator Form) Regulations 2020 (S.I. No. 181 of 2020) are revoked.

(3) Subject to paragraph (4), these Regulations shall come into operation on the 6th day of February 2021 and shall have effect for the period beginning on that day and ending on the 31st day of August 2021.

(4) Regulation 5 shall come into operation on the 9th day of February 2021.

**Definitions**

2. In these Regulations -  
“airport” means any of the following airports:

(a)  Cork Airport;

(b)  Donegal Airport;

(c)  Dublin Airport;

(d)  Ireland West Airport;

(e)  Kerry Airport;

(f)  Shannon Airport;

(g) Waterford Airport;

“contact details”, in relation to an international passenger, means his or her telephone number and email address;

“Covid-19 Passenger Locator Form” means the form set out in the Schedule or a form to like effect made available by the Health Service Executive that may be completed electronically;

“international passenger” means a person, other than a child, who arrives in the State after having been in a relevant state in the period of 14 days prior to the date on which he or she so arrives, but does not include -

(a)  a person who arrives at a port or airport in the State for the purposes of travelling to another state, and who does not leave the port or airport before so travelling;

(b)  an international transport worker who arrives in the State in the course of performing his or her duties;

(c)  an aircraft pilot, other aircrew, maritime master or maritime crew who arrives in the State in the course of performing his or her duties;

(d)  a person to whom the privileges and immunities conferred by -

(i) the Vienna Convention on Diplomatic Relations done at Vienna on the 18th day of April 1961, or

(ii) the Vienna Convention on Consular Relations done at Vienna on the 24th day of April 1963,

apply in the State;

(e) a person to whom the privileges and immunities conferred by an international agreement or arrangement apply in the State, pursuant to the Diplomatic Relations and Immunities Acts 1967 to 2006 or any other enactment;

“international transport worker” means a person -

(a)  who holds a valid annex 3 certificate in accordance with the Communication from the Commission on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services1, or

(b)  who is a driver of a heavy goods vehicle;

“place of residence”, in relation to an international passenger, means the place in the State or in Northern Ireland at which he or she intends to reside during the relevant period;

“PLF receipt” means a receipt issued electronically by the Health Service Executive, in such form as it may specify, to an international passenger on the completion electronically by the passenger of a Covid-19 Passenger Locator Form;

“port” means any of the following ports:

(a)  Cobh in the Port of Cork;

(b)  Dublin Port;

(c)  Killybegs Harbour;

(d)  Port of Cork;

(e)  Port of Galway;

(f)  Port of Waterford;

(g)  Rosslare EuroPort;

“public health information” means public health information or advice relating to Covid-19, including measures for preventing, limiting, minimising or slowing the spread of Covid-19;

“Regulations of 2020” means the Health Act 1947 (Section 31A – Temporary Requirements) (Covid-19 Passenger Locator Form) Regulations 2020 (S.I. No. 181 of 2020);

“relevant period” means -

(a) subject to paragraph (b), in relation to an international passenger -

(i)  the period of 14 days beginning on the date on which he or she arrives in the State, or

(ii)  where the duration of his or her stay in the State is less than 14 days, the period of his or her stay,

or

(b) in the case of an international passenger who travels from the State directly to Northern Ireland, the period of 14 days beginning on the date on which he or she arrives in the State;

“relevant person” has the meaning assigned to it by Regulation 3;

“relevant state” means any state, country, territory, region or other place outside the State, other than Northern Ireland;

“responsible adult” means, in relation to a child who arrives in the State after having been in a relevant state in the period of 14 days prior to the date on which he or she so arrives, an international passenger who is travelling with the child and who is responsible, alone or jointly with another person, for that child for all or part of the journey by which the child arrives in the State.

**Relevant persons**

3. The following persons (each of whom, in these Regulations, is referred to as a “relevant person”) are specified as relevant persons for the purposes of these Regulations:

(a)  officers of the Minister for Justice, being immigration officers appointed by that Minister under section 3 of the Immigration Act 2004 (No. 1 of 2004);

(b)  persons appointed by the Health Service Executive under the programme commonly known as the Covid-19 Contact Management Programme;

(c)  any officer, employee or agent of the Health Service Executive who is acting in the course of his or her duty as such officer, employee or agent in accordance with Regulation 6(3) or 7;

(d)  any agent of the Minister who is acting in the course of his or her duty as such agent in accordance with Regulation 6(3) or 7.

**Covid-19 Passenger Locator Form**

4. (1) An international passenger shall -

(a)  subject to subparagraph (c), on or before his or her arrival in the State -

(i)  complete a Covid-19 Passenger Locator Form in respect of himself or herself, and

(ii)  subject to paragraph (2), confirm on that form the number of children (if any) in relation to whom the international passenger is a responsible adult,

(b)  on arrival in the State at a port or airport, present himself or herself to a relevant person, and -

(i)  give the relevant person the Covid-19 Passenger Locator Form completed in accordance with subparagraph (a), or

(ii)  where a PLF receipt has been issued to the international passenger, make the PLF receipt available to the relevant person,

or

(c)  in the case of arrival in the State other than at a port or airport -

(i) before his or her arrival -

(I) complete a Covid-19 Passenger Locator Form electronically in respect of himself or herself, and

(II) subject to paragraph (2), confirm on that form the number of children (if any) in relation to whom the international passenger is a responsible adult,

(ii)  retain the PLF receipt relating to himself or herself for a period of 14 days after so arriving, and

(iii)  make the PLF receipt available to a member of the Garda Síochána when requested to do so by such member.

(2) Where the requirement in paragraph (1)(a)(ii) or (1)(c)(i)(II) applies to 2 or more international passengers, in relation to a child, the requirement shall be deemed to be complied with by all such international passengers where one of the international passengers concerned has complied with that requirement.

(3) Where a relevant person suspects, with reasonable cause, that any person in an airport or port who has not completed a Covid-19 Passenger Locator Form is an international passenger, the relevant person may request that person to 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 an international passenger.

(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 Health Act 1947 (No. 28 of 1947).

**Obligation on travel organisers**

5. (1) A travel organiser, in relation to an international passenger whose arrival in the State it organises, effects or facilitates, shall, when organising or facilitating such travel and, in any event, before the arrival of the international passenger in the State, take reasonable steps to inform that international passenger of his or her obligations under these Regulations.

(2) In this Regulation, “travel organiser” means a person who -

(a) by providing an international passenger with access to or use of a vehicle, organises, effects or facilitates the arrival of the international passenger in the State, and

(b) is-

(i)  a body corporate, or

(ii)  in relation to a person who organises, effects or facilitates the arrival of the international passenger in the State by providing access to or use of a vehicle on a private and exclusive basis, the owner of such vehicle.

**Provision of information to relevant person**

6. (1) Where a relevant person or a member of the Garda Síochána considers it necessary to do so, he or she may request an international passenger to provide such information or documentation as may be required in order to verify any particular stated on a Covid-19 Passenger Locator Form or PLF receipt provided by that international passenger.

(2) Where a relevant person or a member of the Garda Síochána suspects, with reasonable cause, that the information provided on a Covid-19 Passenger Locator Form, or stated on a PLF receipt, is inaccurate, incomplete or misleading, he or she may request the international passenger who provided the information to clarify the information, or provide such further information or documentation as the relevant person or member of the Garda Síochána may reasonably require to ensure that the form is completed accurately.

(3) A relevant person may, during a relevant period, request an international passenger -

(a)  to confirm that his or her place of residence is the place of residence specified in the Covid-19 Passenger Locator Form, or

(b)  where the international passenger has taken up residence in a place other than the place of residence specified in the Covid-19 Passenger Locator Form, to confirm where the international passenger is currently residing.

(4) An international passenger residing in the State shall comply with a request under paragraph (1), (2) or (3).

(5) Subject to paragraph (6), where an international passenger, while residing in the State during a relevant period -

(a)  takes up residence in a place other than the place of residence specified in the Covid-19 Passenger Locator Form, or

(b)  changes his or her contact details from those provided in the Covid-19 Passenger Locator Form,

such that information provided in the Covid-19 Passenger Locator Form completed by the international passenger is no longer accurate, the international passenger shall make reasonable efforts to provide to a relevant person, in writing, accurate information as to the new place or contact details, or both, as the case may be.

(6) The information that is to be provided in accordance with paragraph (5) shall be provided to a relevant person by an international passenger -

(a)  in the case of information specified in paragraph (5)(a), before the international passenger has taken up residence in the new place, or as soon as practicable thereafter, or

(b)  in the case of information specified in paragraph (5)(b), as soon as is practicable after the contact details have changed.

(7) Paragraphs (4), (5) and (6) are penal provisions for the purposes of section 31A of the Health Act 1947.

**Provision of public health information to international passengers**

7. (1) A relevant person may, during a relevant period, contact an international passenger by way of telephone call, text message or email using the contact details provided in the Covid-19 Passenger Locator Form completed by the international passenger in order to provide the international passenger with public health information relevant to the international passenger concerned or general public health information in relation to Covid-19.

(2) Notwithstanding the generality of paragraph (1), a relevant person may, during a relevant period, contact an international passenger whose place of residence is in Northern Ireland, by way of telephone call, text message or email using the contact details provided in the Covid-19 Passenger Locator Form completed by the international passenger in order to provide the international passenger with public health information relevant to the international passenger concerned.

**Data protection**

8. (1) Personal data provided on the Covid-19 Passenger Locator Form, or otherwise provided to a relevant person under Regulation 6, may be processed by -

(a)  the Minister for Health, the Health Service Executive, and one or more relevant persons, for the purposes of -

(i)  recording and verifying information regarding the place of residence of an international passenger for a period of up to 14 days following the arrival in the State of such passenger,

(ii)  identifying, tracing and contacting of persons who have been in contact with persons who have been diagnosed, or are suspected of having been infected, with Covid-19,

(iii)  recording information regarding the countries that an international passenger has visited in the 14 days before his or her arrival in the State, and

(iv)  providing public health information to an international passenger in accordance with Regulation 7,

and

(b)  the Garda Síochána, where required for the purposes of the prevention, detection, investigation or prosecution of a criminal offence arising from a contravention of a provision stated to be a penal provision under these Regulations or under the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 4) Regulations 2021 (S.I. No. 44 of 2021).

(2) For the purposes of these Regulations the Minister for Health -

(a)  is designated as data controller in relation to personal data processed for the purposes of these Regulations, and

(b)  shall put in place appropriate data processing contracts, where necessary, with relevant persons processing personal data under these Regulations.

(3) Subject to paragraph (4), personal data relating to an international passenger collected for the purpose of these Regulations shall be permanently deleted no later than 28 days after the date of arrival specified by the international passenger on a Covid-19 Passenger Locator Form.

(4) Notwithstanding paragraph (3), where personal data collected in accordance with these Regulations are required for the purposes of the prevention, investigation, detection or prosecution of a criminal offence, the data -

(a)  may be processed for as long as they are required for such prevention, investigation, detection or prosecution, and

(b)  shall be permanently deleted after they are no longer required for such prevention, investigation, detection or prosecution.

(5) Where, immediately before the coming into operation of these Regulations, personal data were being processed in accordance with Regulation 7(4) of the Regulations of 2020, such data shall continue to be processed as if the Regulations of 2020 were still in operation.

(6) In this Regulation -

“General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)2;

“personal data” has the meaning it has in the General Data Protection Regulation;

“processing”, in relation to personal data, has the meaning it has in the General Data Protection Regulation.

**Transitional arrangements in relation to Covid-19 Passenger Locator Forms**

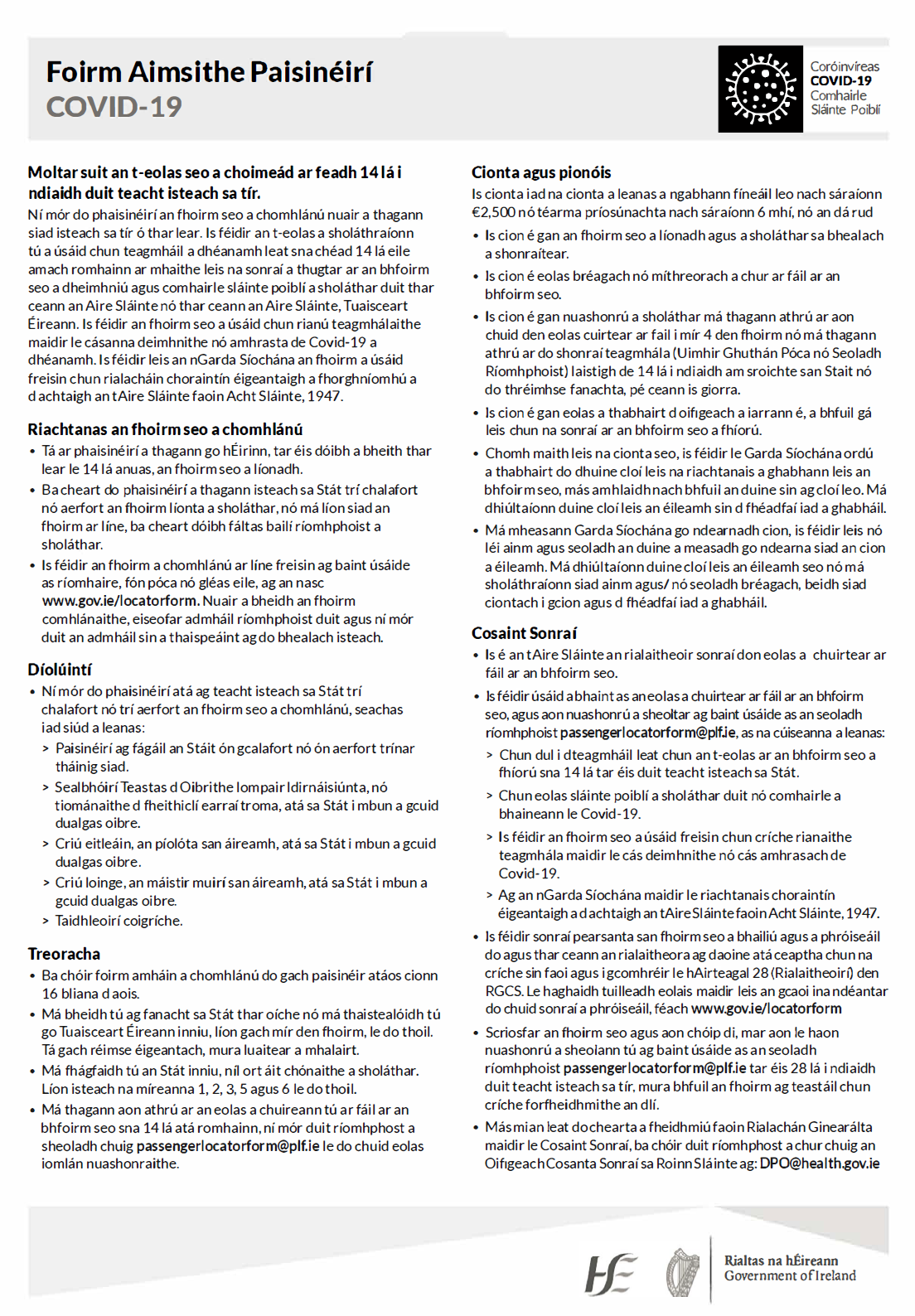
9. Notwithstanding their revocation by Regulation 1(2), the Regulations of 2020 shall, insofar as they relate to a Covid-19 Passenger Locator Form within the meaning of the Regulations of 2020 that was completed by an international passenger in accordance with those Regulations, continue in operation for the relevant period in respect of the international passenger concerned where he or she -

(a)  arrived in the State before the coming into operation of these Regulations, or

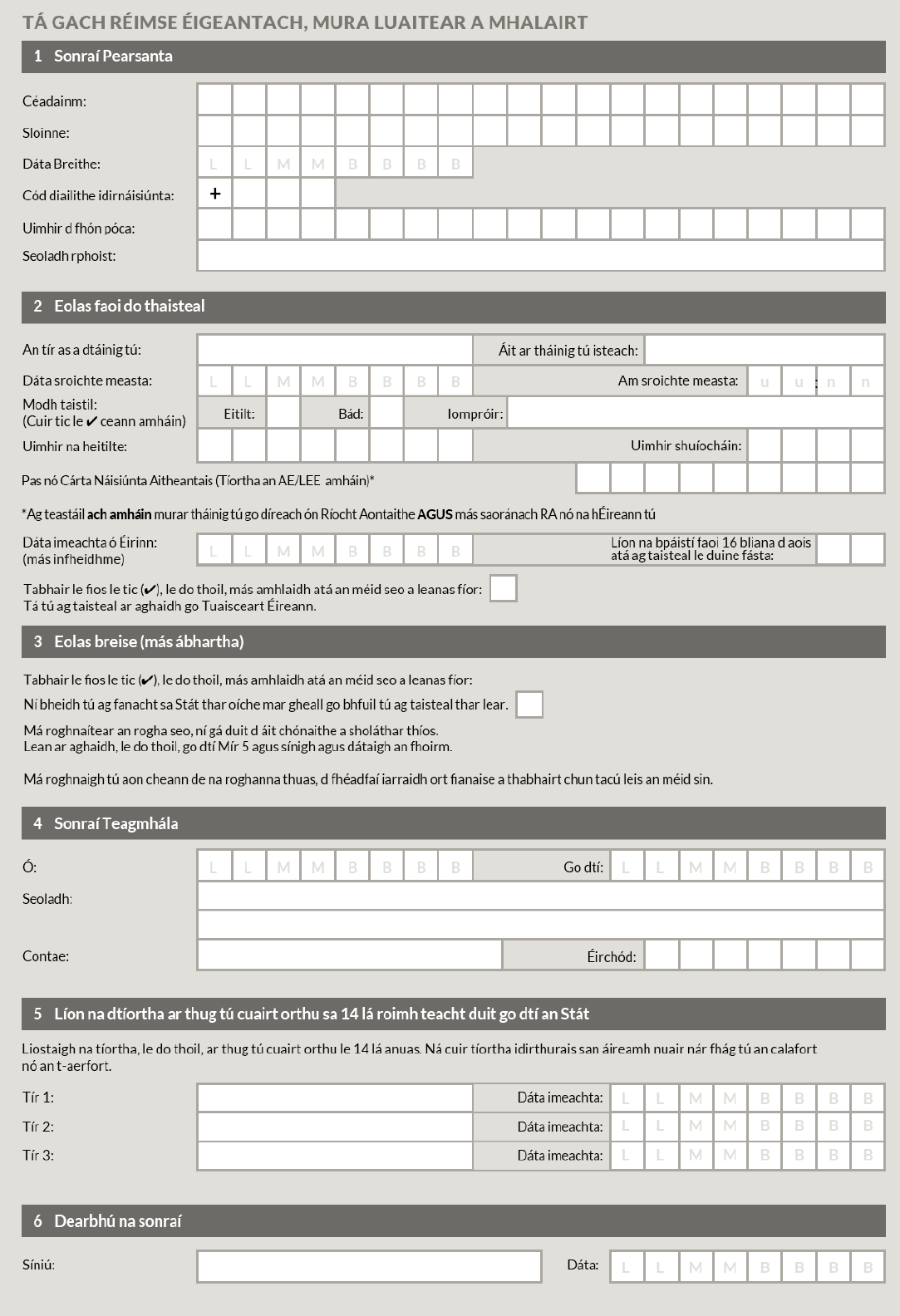
(b)  arrives in the State during the period beginning on the 6th day of February 2021 and ending on the 10th day of February 2021.

**SCHEDULE**

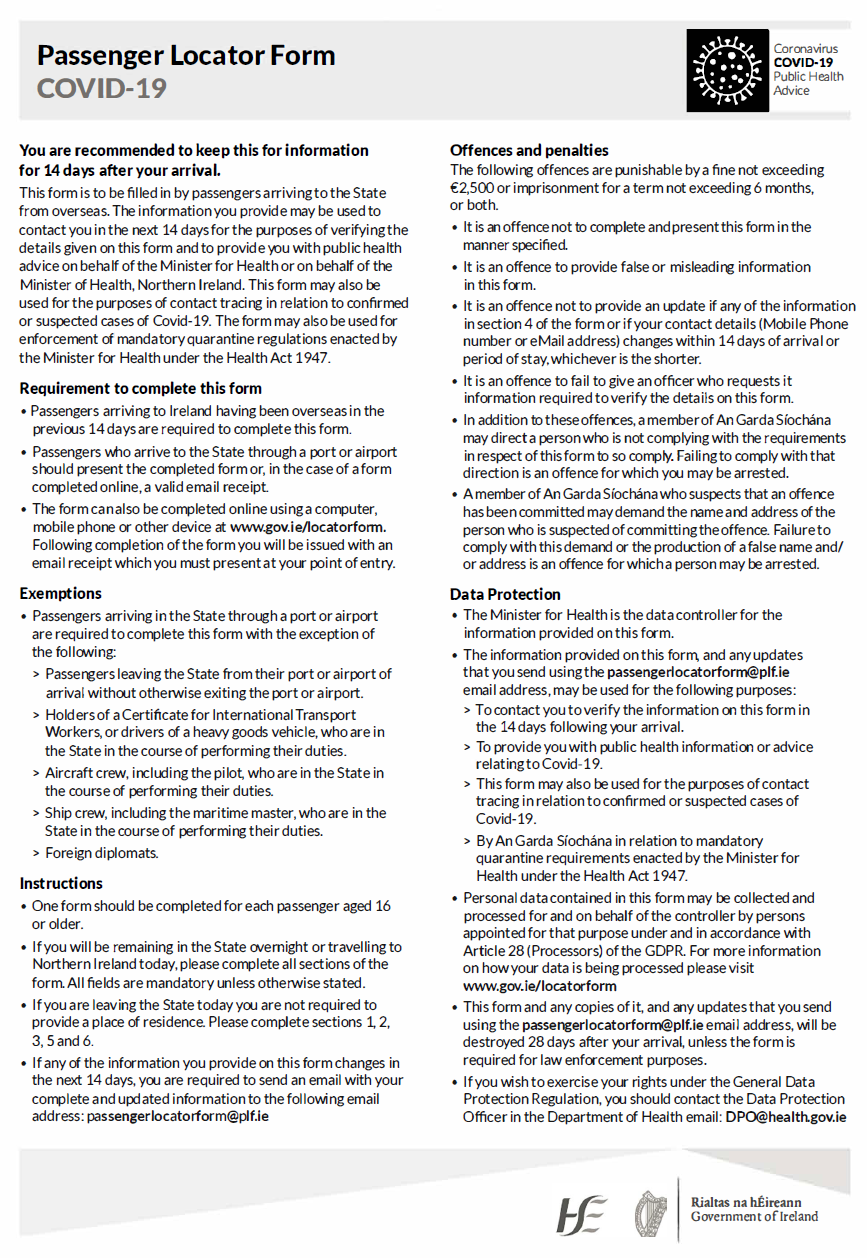
*Regulation 2*



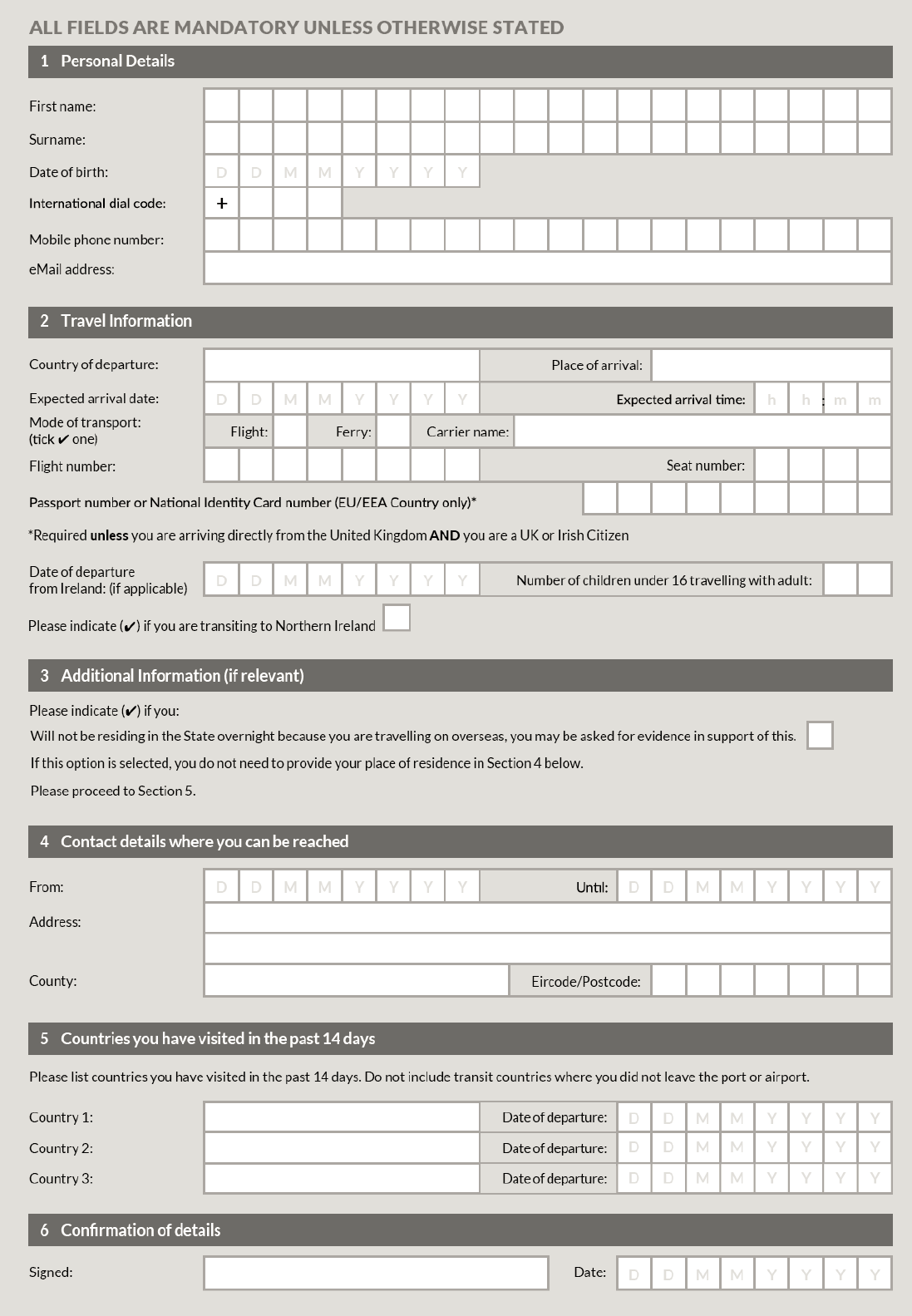
**[45]** 11



12 **[45]**



**[45]** 13





GIVEN under my Official Seal,

5 February, 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, made under section 31A of the Health Act 1947 (inserted by section 10 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 ), revokes and replaces S.I. No. 181/2020 - Health Act 1947 (Section 31A – Temporary Requirements) (Covid- 19 Passenger Locator Form) Regulations 2020.

These Regulations provide for the imposition of a requirement that international passengers (including Irish citizens) arriving in the State from overseas, and including via Northern Ireland, to complete a COVID-19 Passenger Locator Form for the purposes of recording and verifying information regarding their contact details and place of residence for a period of up to 14 days following arrival. The information recorded on a COVID-19 Passenger Locator form may be used to contact an international passenger for the purposes of contact tracing or to provide public health advice.

These Regulations will additionally allow for the data gathered to be utilised for the purpose of the enforcement of S.I. No. 44/2021 by members of the Garda Síochána.

# Table of Regulations amending the Temporary Requirements (COVID-19 Passenger Locator Form) Regulations 2021

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| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | | SI 277/2021 - Health Act 1947 (Section 31A – Temporary Requirements) (Covid-19 Passenger Locator Form) (Amendment) Regulations 2021 | 8/6/21 | 11/6/21 | |  |  |  | |  |  |  | |

# S.I. No. 244/2020 - Health Act 1947 (Section 31A -Temporary Restrictions) (Covid-19) (Face Coverings on Public Transport) Regulations 2020

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 14th July, 2020.*

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, and

(b)  having consulted with the Minister for Transport, Tourism and Sport and the Minister for Justice and Equality,

hereby make the following regulations:

**Citation and commencement**

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings on Public Transport) Regulations 2020.

(2) These Regulations shall come into operation on the 13th day of July 2020.

**Operation of Regulations**

2. These Regulations shall have effect for the period beginning on the date specified in Regulation 1(2) and ending on the 9th day of November 2021.

**Definitions**

3. In these Regulations -

“Act of 2008” means the Dublin Transport Authority Act 2008 (No. 15 of 2008);

“face covering” means a covering of any type which when worn by a person covers, without leaving a visible gap, the person’s nose and mouth;

“public passenger transport service” has the same meaning it has in the Act of 2008;

“public transport operator” has the same meaning it has in the Act of 2008;

“public transport vehicle” means a vehicle by means of which a public passenger transport service is provided;

“reasonable excuse” shall be construed in accordance with Regulation 6;

“relevant geographical location” means a geographical location to which an affected areas order applies;

“relevant person” has the meaning assigned to it by Regulation 4;

“travel by public transport vehicle” includes boarding a public transport vehicle.

**Relevant person**

4. The following persons (each of whom, in these Regulations, is referred to as a “relevant person”) are specified as relevant persons for the purposes of these Regulations:

(a)  any officer, employee or agent of a public transport operator who is –

(i)  in, on, or boarding a public transport vehicle owned or operated by that operator, and

(ii)  acting in the course of his or her duty as such officer, employee or agent in connection with the provision of a public passenger transport service on behalf of that operator;

(b)  any officer, employee or agent of the National Transport Authority who is –

(i)  in, on, or boarding a public transport vehicle owned or operated by a public transport operator, and

(ii)  acting in the course of his or her duty as such officer, employee or agent of the National Transport Authority.

**Requirement to wear face covering when travelling by public transport**

5. (1) A person shall not, without reasonable excuse, travel by public transport vehicle within a relevant geographical location without wearing a face covering.

(2) Paragraph (1) shall not apply -

(a)  to a person under the age of 13 years,

(b)  to a person driving a public transport vehicle from a compartment in which he or she is the sole occupant,

(c)  where there is a screen in a public transport vehicle which separates the driver of the vehicle from persons boarding or alighting from the vehicle, to a person driving the vehicle from behind that screen,

(d)  where there is not a screen in a public transport vehicle which separates the driver of the vehicle from persons boarding or alighting from the vehicle, to a person driving the vehicle during the periods when no person is boarding or alighting from the vehicle,

(e) to a member of the Garda Síochána in the course of performing his or her duties.

**Reasonable excuse**

6. Without prejudice to the generality of what constitutes reasonable excuse for the purposes of Regulation 5(1), a person has reasonable excuse if -

(a)  the person cannot put on, wear or remove a face covering -

(i)  because of any physical or mental illness, impairment, or disability, or

(ii)  without severe distress,

(b)  the person needs to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise),

(c)  the person removes the face covering to provide emergency assistance or to provide care or assistance to a vulnerable person,

(d)  the person removes the face covering to avoid harm or injury, or the risk of harm or injury,

(e)  the person removes the face covering in order to, and only for the time required to, take medication.

**Powers of relevant person**

7. (1) Where a relevant person reasonably believes that a person travelling by public transport vehicle (in this Regulation referred to as a “passenger”) is not wearing a face covering in accordance with Regulation 5, he or she may do any of the following:

(a)  request the passenger to wear a face covering;

(b)  refuse the passenger entry to a public transport vehicle;

(c)  request the passenger to alight from a public transport vehicle.

(2) Before exercising a power under paragraph (1) in respect of a passenger, a relevant person shall give the passenger an opportunity to provide reasonable excuse and may request the passenger to provide such information as the relevant person considers necessary to determine whether or not the passenger has reasonable excuse.

(3) Notwithstanding paragraph (2), the onus shall be on a passenger to establish, to the satisfaction of the relevant person, that he or she has reasonable excuse.

(4) A passenger shall comply with a request or refusal under paragraph (1).

(5) Paragraph (4) is a penal provision for the purposes of section 31A of the Health Act 1947 (No. 28 of 1947).



GIVEN under the Official Seal of the Minister for Health, 10 July, 2020.

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 provide that members of the public shall not, without reasonable excuse, travel by public transport without wearing a face covering. Public transport under the Regulations encompasses all bus and rail services provided under contract with the National Transport Authority (NTA), LUAS services and commercial bus services licensed by the NTA.

It is an offence not to comply with a request by a relevant person to wear a face covering. It is also an offence not to comply where a relevant person refuses entry to a public transport vehicle or where a relevant person requests a person to alight from a public transport vehicle. Relevant persons under the Regulations are officers, employees or agents of public transport operators or the National Transport Authority.

The Regulations do not apply to children aged under 13 years and do not apply, in certain circumstances, to drivers of public transport vehicles.

# Table of Regulations amending the Temporary Restrictions (COVID-19) (Face Coverings on Public Transport) Regulations

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| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | | S.I. No. 405/2020 – Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings on Public Transport) (Amendment) Regulations 2020 | 3/10/2020 | 6/10/2020 | | S.I. No. 512/2020 – Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings on Public Transport) (Amendment) (No. 2) Regulations 2020 | 6/11/2020 | 10/11/2020 | | S.I. No. 651/2020 - Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Amendment of Definition of Face Covering) Regulations 2020 | 17/12/2020 | 1/1/2021 | | S.I. No. 273/2021 - Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings – Extension of Period of Effect) Regulations 2021 | 6/6/2021 | 8/6/2021 | |

# S.I. No. 296/2020 - Health Act 1947 (Section 31A -Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) Regulations 2020

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 11th August, 2020.*

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, and

(b) having consulted with the Minister for Business, Enterprise and Innovation and the Minister for Justice and Equality,

hereby make the following regulations:

**Citation and commencement**

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) Regulations 2020.

(2) These Regulations shall come into operation on the 10th day of August 2020

**Operation of Regulations**

2. These Regulations shall have effect for the period beginning on the date specified in Regulation 1(2) and ending on the 9th day of November 2021.

**Definitions**

3. In these Regulations -

“face covering” means a covering of any type which when worn by a person covers, without leaving a visible gap, the person’s nose and mouth;

“reasonable excuse” shall be construed in accordance with Regulation 5;

“relevant geographical location” means a geographical location to which an affected areas order applies;

“relevant premises” means an indoor premises, or a part of such a premises, to which the public has access -

(a) where goods are sold directly to the public

(b) that is specified in Part A of the Schedule, or

(c) in which a service specified in Part B of the Schedule is provided or a business specified in Part B of the Schedule is carried on,

but does not include an indoor premises or a part of such a premises –

~~(i) that is a post office, credit union or bank,~~

(ii) in which the principal activity is the sale of food or beverages for consumption on the premises, or

(iii) in which the principal activity is the provision of medical or dental services or other healthcare services (other than retail pharmacy businesses (within the meaning of the Pharmacy Act 2007 (No. 20 of 2007)), optician and optometrist outlets and outlets providing hearing test services or selling hearing aids and appliances);

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“responsible person”, in relation to a relevant premises, means each of the following:

(a)  the occupier of the relevant premises,

(b)  the manager of the relevant premises, and

(c) any other person for the time being in charge of the relevant premises;

“worker”, in relation to a relevant premises, means a person working at the relevant premises under a contract of employment or a contract for service.

**Requirement to wear face covering**

4. (1) A person shall not, without reasonable excuse, enter or remain in a relevant premises in a relevant geographical location without wearing a face covering.

(2) Paragraph (1) shall not apply to –

(a) a person under the age of 13 years

(b) a responsible person or a worker where -

(i) there is a screen that separates the responsible person or worker from other persons, or

(ii) the responsible person or worker takes all reasonable steps to maintain a distance of at least two metres between himself or herself and other persons,

(c) a member of the Garda Síochána in the course of performing his or her duties.

(3) Paragraph (1) is a penal provision for the purposes of section 31A of the Health Act 1947 (No. 28 of 1947).

(4) A responsible person shall take reasonable steps to engage with persons entering or in the relevant premises to inform them of the requirements of paragraph (1) and to promote compliance with those requirements.

**Reasonable excuse**

5. Without prejudice to the generality of what constitutes reasonable excuse for the purposes of Regulation 4(1), a person has reasonable excuse if -

(a) the person cannot put on, wear or remove a face covering –

(i) because of any physical or mental illness, impairment or disability, or

(ii) without severe distress,

(b) the person needs to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise),

(c) the person removes the face covering to provide emergency assistance or to provide care or assistance to a vulnerable person,

(d) the person removes the face covering to avoid harm or injury, or the risk of harm or injury,

(e) the person removes the face covering in order to, and only for the time required to, take medication,

(f) the person removes the face covering at the request of a responsible person, or of a worker, in order to enable him or her to ascertain the person’s age by reference to photographic identification for the purposes of the sale of goods or services in respect of which there is a minimum age requirement or where the responsible person, or worker, has lawful authority to verify the person’s identity, or

(g) the person removes the face covering at the request of a responsible person, or of a worker, in order to assist the responsible person or worker to provide him or her with healthcare or healthcare advice.

Schedule

Regulation 3

Part A

Specified Premises

* 1. Shopping centres.
  2. Libraries.
  3. Cinemas and cinema complexes.
  4. Theatres.
  5. Concert halls.
  6. Bingo halls.
  7. Museums.
  8. Bus stations.
  9. Rail stations.
  10. Post offices.
  11. Credit unions.
  12. Banks.

Part B  
Specified Services and Businesses

1. Cosmetic nail care or nail styling.
2. Hair care or hair styling.
3. Tattoo and piercing services.
4. Travel agents and tour operators.
5. Laundries and dry cleaners.
6. Licensed bookmakers (within the meaning of the Betting Act 1931 (No. 27 of 1931)).



GIVEN under my Official Seal, 8 August, 2020.

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 require the wearing of face coverings in certain premises. A person shall not, without reasonable excuse, enter or remain in a premises where goods are sold directly to the public or a premises set out in the Schedule to the Regulations, without wearing a face covering.

The Regulations do not apply to children aged under 13 years.

# Table of Regulations amending the Temporary Restrictions (COVID-19) (Face Covering in Certain Premises and Businesses) Regulations

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | | S.I. No. 404/2020 – Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) Regulations 2020 | 3/10/2020 | 6/10/2020 | | S.I. No. 511/2020 – Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) (No. 2) Regulations 2020 | 6/11/2020 | 10/11/2020 | | S.I. No. 569/2020 - Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Small Public Service Vehicles and Certain Premises) Regulations 2020 | 2/12/2020 | 4/12/2020 | | S.I. No. 651/2020 - Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Amendment of Definition of Face Covering) Regulations 2020 | 17/12/2020 | 1/1/2021 | | S.I. No. 20/2021 - Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) Regulations 2021 | 25/1/2021 | 29/1/2021 | | S.I. No. 21/2021 - Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (Amendment) (No. 2) Regulations 2021 | 25/1/2021 | 29/1/2021 | | S.I. No. 273/2021 - Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings – Extension of Period of Effect) Regulations 2021 | 6/6/21 | 8/6/21 | |

# S.I. No. 218/2021 - Health Act 1947 (Section 31A(6A)) (Covid-19) (No. 2) Regulations 2021

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 11th May, 2021.*

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 matters specified in subsections (2) and (6A)(b) (inserted by section 13 of the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 (No. 14 of 2020)) of section 31A of that Act, and

(b)  having consulted with the Minister for Transport, the Minister for Enterprise, Trade and Employment, the Minister for Finance, the Minister for Justice 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 (6A)) (Covid-19) (No.2) Regulations 2021.

(2) These Regulations shall come into operation on the 10th day of May 2021.

2. The following provisions of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No.2) Regulations 2021 (S.I. No. 217 of 2021), being penal provisions for the purposes of section 31A of the Health Act 1947 (No. 28 of 1947), are prescribed to be relevant provisions for the purposes of the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 (No. 14 of 2020):

(a)  paragraph (1) of Regulation 12;

(b)  paragraphs (1), (2) and (3) of Regulation 13.

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GIVEN under my Official Seal,

9 May, 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 provide for the penal provisions relating to premises licensed for the sale or supply of intoxicating liquor for consumption on the premises under the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No.2) Regulations 2021 (S.I. No. 217 of 2021) to become relevant provisions for the purposes of the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020. The Regulations remain in operation until 02 June 2021.

# Table of Regulations amending the Health Act 1947 (Section 31A(6A)) (COVID-19) (No. 2) Regulations 2021

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# S.I. No. 219/2021 - Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) (No. 2) Regulations 2021

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 11th May, 2021.*

I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by sections 5, 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)) and 31C (inserted by section 4 of the Health (Amendment) Act 2020 (No. 19 of 2020)) of the Health Act 1947 (No. 28 of 1947) –

* + - 1. 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 section 31A(2) of that Act,
      2. as regards Regulation 4, having regard also to the matters specified in section 31A(6C)(b) of that Act,
      3. as regards Regulation 5, having regard also to the matters specified in section 31A(6D)(b) of that Act, and
      4. having consulted with the Minister for Justice,

hereby make the following regulations:

1. (1) These Regulations may be cited as the Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) (No.2) Regulations 2021.

(2) These Regulations shall come into operation on the 10th day of May 2021.

2. The Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) Regulations 2021 (S.I. No. 170 of 2021) are revoked.

3. In these Regulations, “Act of 1947” means the Health Act 1947 (No. 28 of 1947).

4. The provisions specified in column (2) of Schedule 1, each of which is a penal provision for the purposes of section 31A of the Act of 1947, are prescribed to be fixed penalty provisions and the amount specified in column (3) of that Schedule, opposite a fixed penalty provision, is prescribed as the fixed payment in respect of the fixed penalty provision concerned.

5. Regulations 5(1) and 7(1) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No.2) Regulations 2021 (S.I. No. 217 of 2021), being penal provisions for the purposes of section 31A of the Act of 1947, are prescribed to be dwelling event provisions.

6. The form set out in Schedule 2 is prescribed for the purposes of sections 31A(6C)(c) and 31C(1) of the Act of 1947.

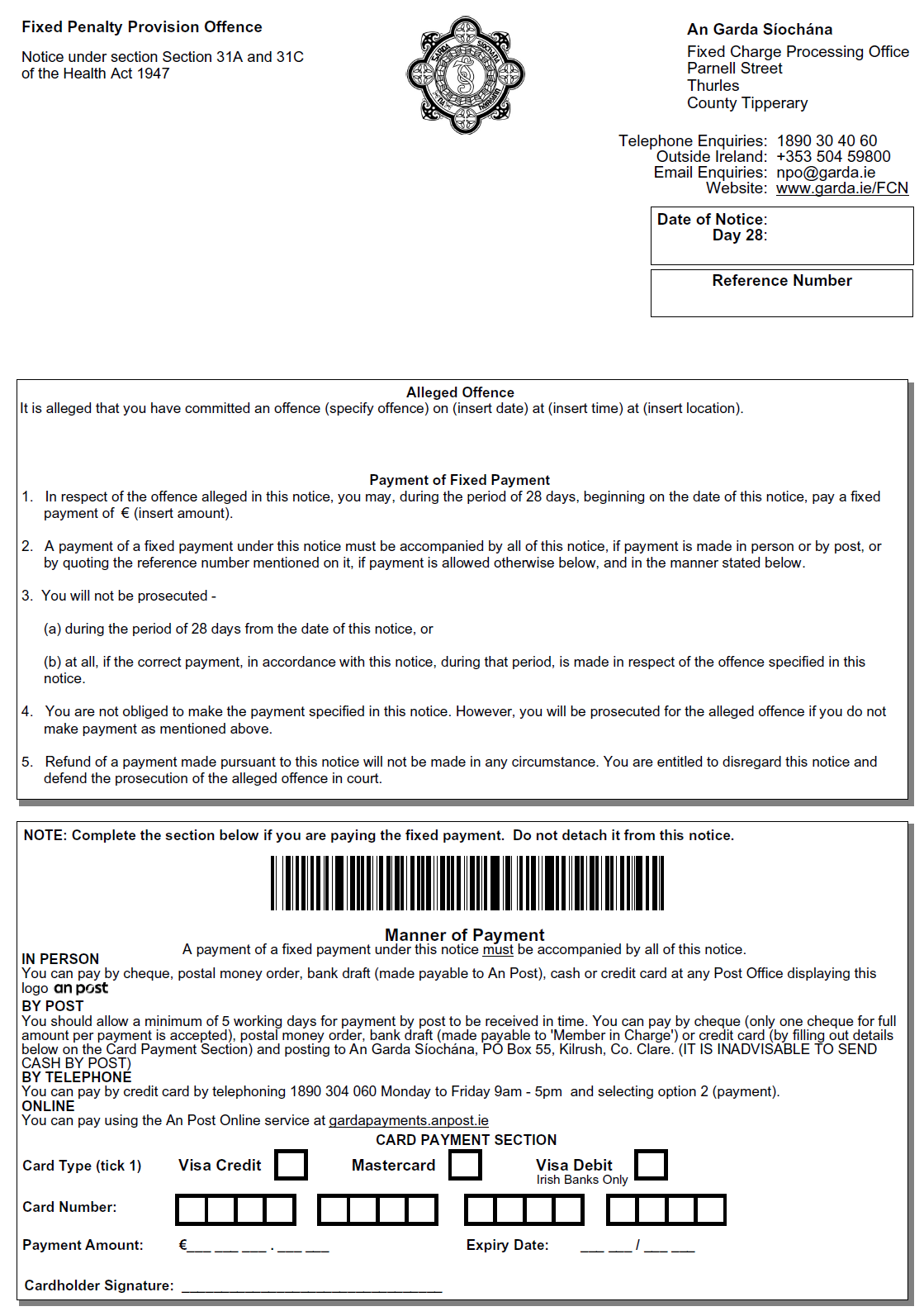
Schedule 1

*Regulation 4*

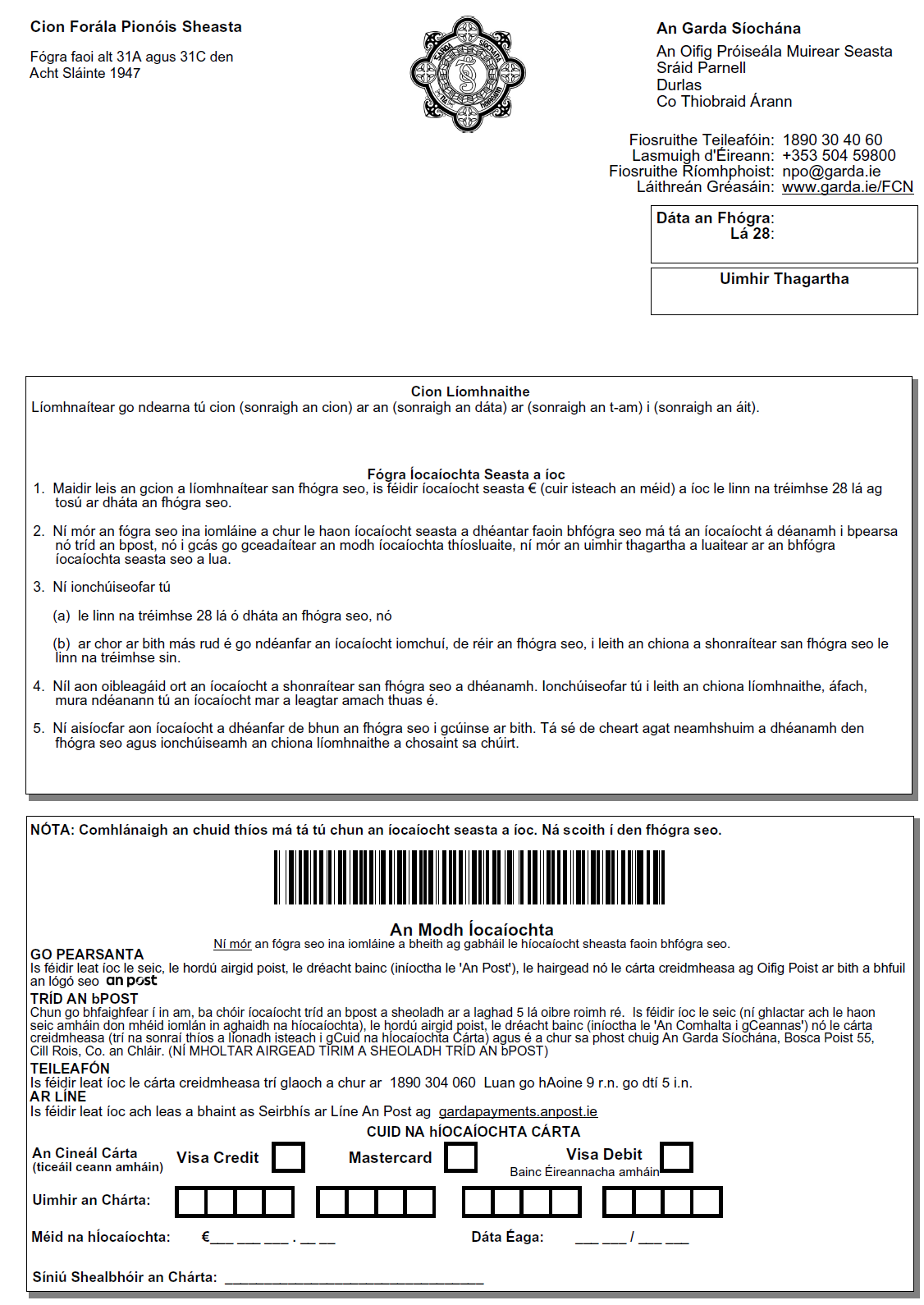
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| Column 1 | Column 2 | Column 3 |
| Paragraph | Fixed penalty provision | Fixed payment |
| 1. | Regulation 7(4) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Face Coverings on Public Transport) Regulations 2020 (S.I. No. 244 of 2020) | €80 |
| 2.  page4image9874880 | Regulation 4(1) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) Regulations 2020 (S.I. No. 296 of 2020) | €80 |
| 3. | Regulation 4(1) of the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Small Public Service Vehicles and Certain Premises) Regulations 2020 (S.I. No. 569 of 2020) | €80 |
| 4.  page4image9956608 | Regulation 3(1) of the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (No. 2) Regulations 2020 (S.I. No. 571 of 2020) | €80 |
| 5. | Regulation 3(2)(b) of the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid- 19) (Face Coverings in Certain Premises and Businesses) (No. 2) Regulations 2020 (S.I. No. 571 of 2020) | €80 |
| 6. | Regulation 4(1) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No.2) Regulations 2021 (S.I. No. 217 of 2021) | €2,000 |
| 7. | Regulation 5(1) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No.2) Regulations 2021 (S.I. No. 217 of 2021) | €500 |
| 8. | Regulation 7(1) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No.2) Regulations 2021 (S.I. No. 217 of 2021) | €150 |
| 9. | Regulation 8(1) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No.2) Regulations 2021 (S.I. No. 217 of 2021) | €500 |

Schedule 2

*Regulation 6*



6 **[219]**





GIVEN under my Official Seal,

9 May, 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 revoke the Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) Regulations 2021 (S.I. No. 170 of 2021), as amended. These Regulations provide for certain penal provisions in Regulations made under Section 31A of the Health Act 1947 to be fixed penalty and/or dwelling event provisions.

# Table of regulations amending the Health Act 1947 (Fixed Payment Notice and Dwelling Event Provisions) (Covid-19) (No. 2) Regulations 2021

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | |  |  |  | |  |  |  | |  |  |  | |  |  |  | |

# S.I. No. 702/2020 - Health Act 1947 (Section 31A(6A)) (Covid-19) (No. 6) Regulations 2020

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 5th January, 2021*

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 matters specified in subsections (2) and (6A)(b) (inserted by section 13 of the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 (No. 14 of 2020)) of section 31A, and

(b)  having consulted with the Minister for Transport, the Minister for Enterprise, Trade and Employment, the Minister for Finance, the Minister for Justice, 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(6A)) (Covid-19) (No. 6) Regulations 2020.

(2) These Regulations shall come into operation on the 31st day of December 2020.

2. The following provisions of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 10) Regulations 2020 (S.I. No. 701 of 2020), being penal provisions for the purposes of section 31A of the Health Act 1947 (No. 28 of 1947), are prescribed to be relevant provisions for the purposes of the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 (No. 14 of 2020):

(a)  paragraph (1) of Regulation 12;

(b)  paragraphs (1), (2) and (3) of Regulation 13.

GIVEN under my Official Seal, 30 December, 2020.

STEPHEN DONNELLY, Minister for Health.



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**EXPLANATORY NOTE**  
(*This note is not part of the Instrument and does not purport to be a legal interpretation.*)

These Regulations provide for the penal provisions relating to premises licensed for the sale or supply of intoxicating liquor for consumption on the premises under the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 10) Regulations (S.I. No. 701 of 2020), to be relevant provisions for the purposes of the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020.

# Table of regulations amending the Health Act 1947 (Section 31A(6A)) (Covid-19) (No. 6) Regulations 2020

|  |  |  |  |  |  |  |  |  |  |  |  |  |
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| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | |  |  |  | |  |  |  | |  |  |  | |

# S.I. No. 569/2020 - Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Small Public Service Vehicles and Certain Premises) Regulations 2020

*Notice of the making of this Statutory Instrument was published in*

*“Iris Oifigiúil” of 4th December, 2020.*

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, and

(b) having consulted with the Minister for Enterprise, Trade and Employment, the Minister for Transport and the Minister for Justice,

hereby make the following regulations:

**Citation**

1. These Regulations may be cited as the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Small Public Service Vehicles and Certain Premises) Regulations 2020.

**Operation of Regulations**

2. (1) These Regulations shall come into operation on the 3rd day of December 2020.

(2) These Regulations shall have effect for the period beginning on the date specified in paragraph (1) and ending on the 9th day of November 2021.

**Interpretation**

3. In these Regulations -

“Act of 1961” means the Road Traffic Act 1961 (No. 24 of 1961);

“face covering” means a covering of any type which when worn by a person covers, without leaving a visible gap, the person’s nose and mouth

“reasonable excuse” shall be construed in accordance with Regulation 6;

“relevant geographical location” means a geographical location to which an affected areas order applies;

“small public service vehicle” has the same meaning as it has in the Act of 1961;

“travel by small public service vehicle” includes entering a small public service vehicle;

“use” has the meaning assigned to it by section 22 of the Taxi Regulation Act 2013 (No. 37 of 2013).

**Requirement to wear face covering when travelling by small public service vehicle**

4. (1) Subject to paragraph (2), a person shall not, without reasonable excuse, use or travel by small public service vehicle within a relevant geographical location without wearing a face covering.

(2) Paragraph (1) shall not apply to -

(a) a person under the age of 13 years,

(b) a member of the Garda Síochána in the course of performing his or her duties, or

(c) a person using or travelling by small public service vehicle when –

(i) there is no other person in the vehicle, or

(ii) the vehicle is not being driven or used for the carriage of passengers for reward.

(3) Paragraph (1) is a penal provision for the purposes of section 31A of the Health Act 1947 (No. 28 of 1947).

**Requirement to ensure face coverings are worn by passengers**

5. (1) Subject to paragraph (2), a person who is the driver of a small public service vehicle shall take reasonable steps, when the vehicle is being used for the carriage of passengers for hire or reward within a relevant geographical location, to ensure that each such passenger is wearing a face covering.

(2) Paragraph (1) shall not apply in respect of a passenger who –

(a) is under the age of 13 years, or

(b) has reasonable excuse for not wearing a face covering.

**Reasonable excuse**

6. Without prejudice to the generality of what constitutes reasonable excuse for the purposes of Regulation 4(1), a person has reasonable excuse if -

(a) the person cannot put on, wear or remove a face covering -

(i) because of any physical or mental illness, impairment, or disability, or

(ii) without severe distress,

(b) the person needs to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise),

(c) the person removes the face covering to provide emergency assistance or to provide care or assistance to a vulnerable person,

(d) the person removes the face covering to avoid harm or injury, or the risk of harm or injury, or

(e) the person removes the face covering in order to, and only for the time required to, take medication.

**Amendment of Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) Regulations 2020**

7. Part A of the Schedule to the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) Regulations 2020 ( S.I. No. 296 of 2020 ) is amended by the insertion of the following paragraphs after paragraph 7:

“8. Bus Stations.

9. Rail Stations.”.

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GIVEN under my Official Seal,

2 December, 2020.

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 provide from the 3rd of December 2020, for the wearing of face coverings in small public service vehicles and for an amendment to the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) Regulations 2020 ( S.I. No. 296 of 2020 ) to provide for the wearing of face coverings in bus and rail stations.

# Table of Regulations amending the Temporary Restrictions (COVID-19) (Face Coverings in Small Public Service Vehicles and Certain Premises) Regulations

|  |  |  |  |  |  |  |  |  |  |
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| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | | S.I. No. 651/2020 - Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Amendment of Definition of Face Covering) Regulations 2020 | 17/12/2020 | 1/1/2021 | | S.I. No. 273/2021 - Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings – Extension of Period of Effect) Regulations 2021 | 6/6/21 | 8/6/21 | |

# S.I. No. 571/2020 - Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (No. 2) Regulations 2020

*Notice of the making of this Statutory Instrument was published in“Iris Oifigiúil” of 8th December, 2020*

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, and

(b) having consulted with 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:

**Citation, commencement and operation**

1. (1) These Regulations may be cited as the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings in Certain Premises and Businesses) (No. 2) Regulations 2020.

(2) These Regulations shall come into operation on the 5th day of December 2020 and shall have effect for the period beginning on that day and ending on the 9th day of November 2021.

**Definitions**

2. In these Regulations -

“face covering” means a covering of any type which when worn by a person covers, without leaving a visible gap, the person’s nose and mouth;

“reasonable excuse” shall be construed in accordance with Regulation 4;

“relevant geographical location” means a geographical location to which an affected areas order applies;

“relevant premises” means a premises, or a part of such a premises, to which the public has access, in which the principal activity is the sale of food or beverages for consumption on the premises;

“responsible person”, in relation to a relevant premises, means each of the following:

(a) the occupier of the relevant premises,

(b) the manager of the relevant premises, and

(c) any other person for the time being in charge of the relevant premises;

“worker”, in relation to a relevant premises, means a person working at the relevant premises under a contract of employment or a contract for service.

**Requirement to wear face covering**

3. (1) A worker in a relevant premises in a relevant geographical location shall not, without reasonable excuse, engage in or carry out work relating to the preparation of, or service of, food or beverages for consumption on the premises without wearing a face covering.

(2) A responsible person, in relation to a relevant premises in a relevant geographical location -

(a) shall take all reasonable steps to ensure that workers in the relevant premises comply with paragraph (1), and

(b) where the responsible person is not a worker, shall not, without reasonable excuse, engage in or carry out work relating to the preparation of, or service of, food or beverages for consumption on the premises without wearing a face covering.

(3) Paragraphs (1) and (2)(b) shall not apply to a responsible person or to a worker where there is a screen that separates the responsible person or worker from other persons.

(4) Paragraphs (1) and (2)(b) are penal provisions for the purposes of section 31A of the Health Act 1947 (No. 28 of 1947).

**Reasonable excuse**

4. Without prejudice to the generality of what constitutes reasonable excuse for the purposes of Regulation 3, a responsible person or worker has reasonable excuse if -

(a) the responsible person or worker cannot put on, wear or remove a face covering -

(i) because of any physical or mental illness, impairment or disability, or

(ii) without severe distress,

(b) the responsible person or worker needs to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise),

(c) the responsible person or worker removes the face covering to provide emergency assistance or to provide care or assistance to a vulnerable person,

(d) the responsible person or worker removes the face covering to avoid harm or injury, or the risk of harm or injury, or

(e) the responsible person or worker removes the face covering in order to, and only for the time required to, take medication.

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GIVEN under my Official Seal,

4 December, 2020.

STEPHEN DONNELLY,

Minister for Health.

**EXPLANATORY NOTE**

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

From the 5th of December 2020, these Regulations provide for the requirement that people working in customer facing roles in premises where the principal activity is the sale of food or beverages for consumption on the premises wear face coverings unless they have a reasonable excuse.

# Table of Regulations amending the Temporary Restrictions (Covid-19) (Face Coverings in Certain Premises and Businesses) (No. 2) Regulations 2020

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| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | | S.I. No. 273/2021 - Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Face Coverings – Extension of Period of Effect) Regulations 2021 | 6/6/21 | 8/6/21 | |  |  |  | |

# S.I. No. 135/2021 - Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) Regulations 2021

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

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:

**Part 1**

**Preliminary and general**

**Citation, revocation, commencement and operation**

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) Regulations 2021.

(2) The Health Act 1947 (Section 31A - Temporary Restrictions) (Covid- 19) (Restrictions upon Travel to the State from Certain States) (No. 4) Regulations 2021 (S.I. No. 44 of 2021) are revoked.

(3) These Regulations shall come into operation on the 26th day of March 2021 and shall have effect for the period beginning on that day and ending on the 19th day of July 2021.

**Definitions**

2. In these Regulations –

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

“Covid-19 Passenger Locator Form” means a Covid-19 Passenger Locator Form within the meaning of the Health Act 1947 (Section 31A - Temporary Requirements) (Covid-19 Passenger Locator Form) Regulations 2021 (S.I. No. 45 of 2021);

“designated state” has the same meaning as it has in the Act of 1947;

“exempted traveller” means –

(a)  a person –

(i)  who –

(I)  holds a valid annex 3 certificate in accordance with the Communication from the Commission on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services1, or

(II)  is a driver of a heavy goods vehicle, and

(ii)  who arrives in the State in the course of performing his or her duties,

(b)  an aircraft pilot, other aircrew, maritime master or maritime crew who arrives in the State in the course of performing his or her duties,

(c)  a person who –

(i)  travels to the State from a relevant state in circumstances where it is impossible for the person to secure a relevant test result before so travelling, and

(ii)  is in possession of written confirmation from the Minister for Foreign Affairs that the person has an urgent humanitarian reason for so travelling,

(d)  a person who travels to the State pursuant to an arrest warrant, extradition proceedings or other mandatory legal obligation,

(e)  a person who –

(i)  travels to the State in the course of performing his or her duties, and

(ii)  is a member of the Garda Síochána, the Defence Forces or an equivalent body or organisation outside the State,

(f)  a person who travels to the State for an unavoidable, imperative and time-sensitive medical reason, and that reason is certified by a person who is a registered medical practitioner or a person holding an equivalent qualification outside the State, or

(g)  a person who, having been outside the State to provide services to, or perform the functions of –

(i) an office holder appointed under any enactment or under the Constitution, or

(ii) a member of either House of the Oireachtas or the European Parliament,

is required to travel to the State in order to continue providing such services, or performing such functions as the case may be;

“international organisation” means –

(a) an organisation, and subordinate bodies of an organisation, governed by public international law, or

(b) any other body that is established by, or on the basis of, an agreement between 2 or more states;

“place of residence” means –

(a)  in relation to a person who is ordinarily resident in the State –

(i)  the home in which the person ordinarily resides, or

(ii)  if the person does not have a home, such other premises, if any, at which he or she is currently residing, whether on a permanent or temporary basis, or

(b)  in relation to a person who is not ordinarily resident in the State, the premises in the State, if any, at which he or she is currently residing or intends to reside after arriving in the State, whether on a permanent or temporary basis;

“Regulations of 2021” means the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 4) Regulations 2021 (S.I. No. 44 of 2021);

“relevant geographical location” means a geographical location to which an affected areas order applies;

“relevant person” has the meaning assigned to it by Regulation 3;

“relevant state” means any state, country, territory, region or other place outside the State, other than Northern Ireland;

“relevant test result”, in relation to a person, means any record or evidence, in written or other electronic form, confirming that –

(a)  the person has been subject to a RT-PCR test,

(b)  such test was administered to the person no more than 72 hours before the person arrives in the State, and

(c)  Covid-19, or the virus SARS-CoV-2, was not detected in the person at the time of taking the test;

“relevant traveller” has the meaning assigned to it by Regulation 4;

“responsible adult” has the meaning assigned to it by Regulation 6;

“RT-PCR test” means a reverse transcription polymerase chain reaction 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;

“transit traveller” means a relevant traveller who arrives at a port or airport in the State for the purposes of travelling to another state, and does not leave the port or airport concerned before so travelling;

“travel organiser” has the meaning assigned to it by Regulation 7.

**Relevant Persons**

3. (1) Officers of the Minister for Justice, being immigration officers appointed by that Minister under section 3 of the Immigration Act 2004 (No. 1 of 2004) (each of whom, in these Regulations other than Regulation 9, is referred to as a “relevant person”) are specified as relevant persons for the purposes of these Regulations other than Regulation 9.

(2) Medical officers of health (each of whom, in Regulation 9, is referred to as a “relevant person”) are specified as relevant persons for the purposes of Regulation 9.

**Relevant traveller**

4. In these Regulations, “relevant traveller” means a person who –

(a)  is not an exempted traveller, and

(b)  arrives in the State having been in a relevant state at any time in the period of 14 days prior to the date on which he or she so arrives.

**Provision of certain information or documentation relating to travel**

5. (1) A relevant traveller shall –

(a) on arrival in the State, where the relevant traveller arrives in the State at a port or airport –

(i) present himself or herself to a relevant person, and

(ii)  give or otherwise make available a relevant test result to the relevant person, or

(b) where the relevant traveller arrives in the State other than at a port or airport, or at a port or airport in which there is no relevant person –

(i)  retain a relevant test result relating to himself or herself for a period of 14 days after so arriving, and

(ii)  give or otherwise make available the relevant test result to a relevant person or a member of the Garda Síochána when requested to do so by such person or member.

(2) Where a relevant person or member of the Garda Síochána considers it necessary to do so, he or she may request a person, on the person’s arrival in the State or as soon as practicable thereafter, to provide or make available to the relevant person such information or documentation as the relevant person or member of the Garda Síochána may reasonably require in order to ascertain whether or not the person –

(a) has a relevant test result,

(b)  is a relevant traveller,

(c)  is an exempted traveller, or

(d)  has been in a relevant state or a designated state in the period of 14 days prior to the date on which he or she arrives in the State.

(3) A person shall comply with a request under paragraph (2).

(4) Paragraphs (1) and (3) are penal provisions for the purposes of section 31A of the Act of 1947.

**Part 2  
Obligations relating to pre-travel Covid-19 tests**

**Obligations on relevant travellers**

6. (1) A relevant traveller who is 18 years of age or older shall not travel to the State without having a relevant test result.

(2) A relevant traveller who –

(a)  is more than 7 years of age and less than 18 years of age, and

(b)  is not accompanied by a responsible adult,

shall not travel to the State without having a relevant test result.

(3) A person shall ensure that a relevant traveller in respect of whom he or she is a responsible adult does not travel to the State without having a relevant test result.

(4) Where –

(a) there are 2 or more responsible adults in relation to a relevant traveller, and

(b) the requirement in paragraph (3) is satisfied by any one of the responsible adults,

the requirement shall be deemed to be complied with by all such responsible adults.

(5) Without prejudice to paragraph (1), a relevant traveller (other than a transit traveller) who arrives in the State without having a relevant test result and is –

(a)  a person to whom the privileges and immunities conferred by the Vienna Convention on Diplomatic Relations done at Vienna on the 18th day of April 1961 or the Vienna Convention on Consular Relations done at Vienna on the 24th day of April 1963 apply in the State, or

(b)  a person to whom the privileges and immunities conferred by an international agreement or arrangement or customary international law apply in the State, pursuant to the Diplomatic Relations and Immunities Acts 1967 to 2006 or any other enactment or the Constitution,

shall, as soon as practicable after so arriving and in any event not later than 36

hours after so arriving –

(i)  undertake a RT-PCR test, and

(ii)  present himself or herself to a relevant person or a member of the Garda Síochána.

(6) Paragraphs (1), (3) and (5) are penal provisions for the purposes of section 31A of the Act of 1947.

(7) In this Regulation, “responsible adult” means, in relation to a relevant traveller who is more than 7 years of age and less than 18 years of age, a person who –

(a) is 18 years of age or older,

(b) travels to the State with the relevant traveller, and

(c) is responsible, alone or jointly with another person, for that relevant traveller for all or part of the journey by which the relevant traveller arrives in the State.

**Obligations on travel organisers**

7. (1) A travel organiser, in relation to a person whose arrival in the State it organises, effects or facilitates shall –

(a)  take reasonable steps to inform the person of his or her obligations under these Regulations,

(b)  take reasonable steps to check whether or not the person has a relevant test result, and

(c)  refuse to organise, effect or facilitate the travel of the person to the State where the person has not, to the satisfaction of the travel organiser, demonstrated that he or she has a relevant test result.

(2) Paragraph (1)(c) shall not apply in relation to a person whose arrival in the State is organised, effected or facilitated by a travel organiser where the person declares to the travel organiser, or an officer, employee or agent of the travel organiser, that he or she is an exempted traveller.

(3) In this Regulation, “travel organiser” means a person who –

(a)  by providing a person with access to or use of a vehicle, organises, effects or facilitates the arrival of the person in the State from a relevant state, and

(b)  is–

(i)  a body corporate, or

(ii)  in relation to a person who organises, effects or facilitates the arrival of the person in the State by providing access to or use of a vehicle on a private and exclusive basis, the owner of such vehicle.

**Part 3**

**Travel connected to certain states**

**Application of Part 3**

8. (1) Subject to paragraph (2), this Part applies to a relevant traveller who is not, or is no longer, obliged to quarantine at a designated facility under section 38B of the Act of 1947.

(2) This Part shall not apply to a relevant traveller who is –

(a)  a transit traveller,

(b)  a person to whom the privileges and immunities conferred by –

(i) the Vienna Convention on Diplomatic Relations done at Vienna on the 18th day of April 1961, or

(ii) the Vienna Convention on Consular Relations done at Vienna on the 24th day of April 1963,

apply in the State, or

(c) a person to whom the privileges and immunities conferred by an international agreement or arrangement or customary international law apply in the State, pursuant to the Diplomatic Relations and Immunities Acts 1967 to 2006 or any other enactment or the Constitution.

**Obligation on certain persons to self-quarantine**

9. (1) Subject to this Regulation, a relevant traveller to whom this Part applies shall, during the period of 14 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 relevant traveller, 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 relevant traveller, the relevant traveller’s place of residence.

(2) Where, for the purposes of paragraph (1), a relevant traveller specifies more than one place of residence on the Covid-19 Passenger Locator Form, or has more than one place of residence, the relevant passenger shall be deemed not to have complied with the requirement to remain in the place of residence under paragraph (1) where he or she so remains in more than one such place of residence.

(3) Paragraph (1) shall not apply to a person who is the subject of an order under section 38A of the Act of 1947.

(4) Subject to paragraphs (5) to (7), paragraph (1) 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 5 days or more after the date on which the relevant traveller arrived in the State, and

(c)  Covid-19, or the virus SARS-CoV-2, was not detected in the relevant traveller at the time of taking the test.

(5) Where a relevant traveller to whom paragraph (1) applies has obtained written confirmation in accordance with paragraph (4) and the relevant traveller –

(a)  has been in a designated state at any time within the period of 14 days prior to the date on which he or she arrives in the State,

(b)  has, at any time within the period of 14 days prior to the date on which he or she arrives in the State, been in a relevant state that, after his or her arrival in the State, has become a designated state, or

(c)  has, at any time within the period of 14 days prior to the date on which he or she arrives in the State or following his or her arrival in the State, been in contact with a person who has been in a designated state at any time within the period of 14 days prior to the arrival of that person in the State,

then, notwithstanding the relevant traveller having obtained that written confirmation, a relevant person may, in writing –

(i)  notify the relevant traveller that paragraph (a), (b) or (c) applies, and

(ii)  direct the relevant traveller, subject to paragraphs (7) and (10), to remain in his or her place of residence until the expiration of a period of 14 days beginning on the date of his or her arrival in the State.

(6) A relevant traveller shall comply with a direction under paragraph (5).

(7) A direction of a relevant person under paragraph (5) shall no longer apply to a relevant traveller where the relevant traveller obtains written confirmation that –

(a)  the relevant traveller has been subject to a RT-PCR test,

(b)  such test was administered 10 days or more after the date on which the relevant traveller arrived in the State, and

(c)  Covid-19, or the virus SARS-CoV-2, was not detected in the relevant traveller at the time of taking the test.

(8) A person shall retain a written confirmation obtained under paragraph (4) or (7) for 14 days after receiving such confirmation.

(9) Paragraphs (1), (6) and (8) are penal provisions for the purposes of section 31A of the Act of 1947.

(10) A relevant traveller to whom paragraph (1) or a direction under paragraph (5) applies may only leave his or her place of residence during the period to which that paragraph or direction 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 avail of a test for the purposes of paragraph (4) or (7),

(c)  to travel from his or her point of entry into the State to the place of residence in which he or she will remain in accordance with paragraph (1),

(d)  to leave the State,

(e) to carry out essential repair, maintenance, construction or safety assurance relating to -

(i)  critical transport infrastructure and services (including the commissioning and decommissioning of such infrastructure and services),

(ii)  critical utility infrastructure (including the commissioning and decommissioning of such infrastructure),

(iii)  critical public services,

(iv)  manufacturing services,

(v)  information services, or

(vi)  communications services,

(f)  where the relevant traveller is a member of staff of an international organisation, or a person invited to the State by an international organisation, to carry out functions required for the proper functioning of such organisations and which cannot be carried out remotely,

(g)  where the relevant traveller is a journalist, to carry out his or her professional functions,

(h)  where the relevant traveller has been provided by Sport Ireland with a written certification in accordance with paragraph (11), to attend the sporting event to which such certification relates, or to engage in training in relation to that event,

(i)  in the case of a relevant traveller who, in accordance with section 38B(17)(a)(iv) of the Act of 1947, is no longer obliged to remain in quarantine in a designated facility, for the purpose of the matters referred to in section 38B(16)(d) of that Act on the grounds of which a review of the quarantine of the relevant traveller was requested under subsection (16) of that section, or

(j)  in the case of a relevant traveller who, in accordance with section 38B(17)(a)(v) of the Act of 1947, is no longer obliged to remain in quarantine in a designated facility, for the purpose of the matters referred to in section 38B(16)(e) of that Act on the grounds of which a review of the quarantine of the relevant traveller was requested under subsection (16) of that section.

(11) Sport Ireland may, in relation to a relevant traveller to whom this Part applies,

(a) after consulting with the Health Service Executive, and

(b) where it is satisfied that –

(i)  the relevant traveller is a necessary person in relation to a sporting event,

(ii)  the sporting event concerned is at an internationally important competitive level, and

(iii)  satisfactory public health protocols and procedures are in place in relation to the sporting event for the purpose of preventing, limiting, minimising or slowing the spread of Covid-19,

provide the relevant traveller with a written certification stating that the relevant traveller may, notwithstanding paragraph (1) or a direction under paragraph (5), leave his or her place of residence during the period to which paragraph (1) or the direction applies for such period as is strictly necessary in order to attend the sporting event to which such certification relates, or to engage in training in relation to that event.

(12) In this Regulation –

“necessary person” means, in relation to a sporting event, any of the following persons whose presence at the sporting event is necessary for it to take place:

(a)  an athlete who is competing or playing in the sporting event, or who is eligible to so play or compete;

(b)  a coach or a trainer connected to an athlete referred to in paragraph (a);

(c)  medical personnel, including such personnel carrying out public health supervisory functions;

(d)  a person who attends the event in order to ensure that it is conducted in accordance with the rules of the sport concerned;

(e)  a person whose attendance at the event is necessary for it to be reported, recorded or broadcast;

“sporting event” means an event held wholly or partly for competitive sport reasons that is organised under the structure of, licenced by or otherwise authorised –

(a)  in relation to an event held, or to be held, in a relevant geographical location, by the national governing body of the sport in question, or

(b)  in relation to an event held, or to be held, in a place other than a relevant geographical location, by an organisation recognised by the national governing body of the sport in question as being responsible for organising international sporting competitions in that place.

**Part 4**

**Miscellaneous**

**Data protection**

10. (1) Subject to paragraphs (3) and (4), personal data, including data concerning health, provided to a relevant person or member of the Garda Síochána in accordance with these Regulations may be processed by the Minister for Justice and one or more relevant persons, for the purposes of –

(a)  recording and verifying information provided regarding a relevant test result, including whether or not a person is in possession of a relevant test result, and

(b)  recording and verifying information provided regarding whether or not a person –

(i)  is an exempted traveller,

(ii)  is a relevant traveller,

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

(iv)  is a responsible adult.

(2)  For the purposes of these Regulations, the Minister for Justice –

(a)  is designated as data controller in relation to personal data processed for the purposes of these Regulations, and

(b)  shall put in place appropriate data processing contracts, where necessary, with relevant persons processing personal data under these Regulations.

(3)  Subject to paragraph (4) –

(a)  where a relevant person or member of the Garda Síochána is satisfied with a relevant test result presented to him or her under Regulation 6(5), no personal data or data concerning health shall be processed in relation to the relevant test result, and

(b)  personal data collected for the purpose of these Regulations shall not be retained for any period beyond which they are required for the purposes of these Regulations, and shall be permanently deleted after they are no longer so required.

(4) Notwithstanding paragraph (3), where personal data collected in accordance with these Regulations are required for the purposes of the prevention, investigation, detection or prosecution of a criminal offence, the data –

(a)  may be processed for as long as they are required for such prevention, investigation, detection or prosecution, and

(b)  shall be permanently deleted after they are no longer required for such prevention, investigation, detection or prosecution.

(5) Where, immediately before the coming into operation of these Regulations, personal data were being processed in accordance with –

(a)  Regulation 8(4) of the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) Regulations 2021 (S.I. No. 3 of 2021),

(b)  Regulation 8(4) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 2) Regulations 2021 (S.I. No. 11 of 2021),

(c)  Regulation 15(4) of the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 3) Regulations 2021 (S.I. No. 39 of 2021), or

(d)  Regulation 14(4) of the Regulations of 2021,

such data shall continue to be processed as if they were being processed under paragraph (4).

(6) In this Regulation –

“data concerning health” has the meaning it has in the General Data Protection Regulation;

“General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)2;

“personal data” has the meaning it has in the General Data Protection Regulation;

“processing”, in relation to personal data, has the meaning it has in the General Data Protection Regulation.

**Transitional arrangements**

11. Notwithstanding their revocation by Regulation 1(2), the Regulations of 2021 shall, insofar as they relate to a relevant traveller within the meaning of the Regulations of 2021 who arrived in the State before the coming into operation of these Regulations and is required to remain in a place of residence in accordance with Regulation 10(1) or 12(1) of the Regulations of 2021, continue in operation in respect of the relevant traveller concerned until the requirement to remain in the place of residence no longer applies to the relevant traveller in accordance with the Regulations of 2021.

**Amendment of Health Act 1947 (Section 31A - Temporary Requirements) (Covid-19 Passenger Locator Form) Regulations 2021**

12. The Health Act 1947 (Section 31A - Temporary Requirements) (Covid- 19 Passenger Locator Form) Regulations 2021 are amended by the substitution of the following paragraph for paragraph (b) of Regulation 8(1):

“(b) the Garda Síochána, where required for the purposes of the prevention, detection, investigation or prosecution of a criminal offence arising from a contravention of a provision stated to be a penal provision under these Regulations, the Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 4) Regulations 2021 (S.I. No. 44 of 2021) or 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. SI 135 of 2021 of 2021).”.



GIVEN under my Official Seal,

25 March, 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.

**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) place on obligations to observe pre-departure testing requirements and mandatory quarantine requirements on categories of international passenger.

# Table of Regulations amending the Temporary Restrictions (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) Regulations 2021

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| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | | SI 242/2021 - Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) Regulations 2021 | 13/5/21 | 21/5/21 | | SI 276/2021 - Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (Restrictions upon Travel to the State from Certain States) (No. 5) (Amendment) Regulations 2021 | 8/6/21 | 11/6/21 | |

# S.I. No. 125/2021 - Health Act 1947 (Section 38G) (Payment of Chargeable Costs) (Covid-19) Regulations 2021

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 26th March, 2021.

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), and with the consent of the Minister for Public Expenditure and Reform, hereby make the following regulations:

1. These Regulations may be cited as the Health Act 1947 (Section 38G) (Payment of chargeable costs) (Covid-19) Regulations 2021.
2. These Regulations shall come into operation on the 22nd day of March 2021.
3. In these Regulations –

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

“relevant designated facility”, in relation to an applicable traveller, means the designated facility at which he or she is quarantining;

“state liaison officer” means a person who is present at a designated facility

and who is authorised by the Minister to perform the function of granting an

authorisation under Regulation 12 to an applicable traveller.

1. Subject to these regulations, an applicable traveller shall, for the purposes of section 38F(4) of the Act of 1947, be subject to the charge specified in Regulation 6 or 9, as applicable.
2. An applicable traveller who is subject to a charge under these Regulation shall pay the amount concerned directly to the approved services provider concerned.
3. An applicable traveller to whom section 38B(1)(a) of the Act of 1947 applies –

(a) shall be subject to the following charge in respect of the period of 12 days beginning on the day on which he or she is admitted to the relevant designated facility –

(i) where he or she does not share a room in the relevant designated facility with another person, the amount specified in column 3 of Schedule 1 opposite reference number 1, and

(ii) subject to Regulation 17, where he or she, during the period, shares a room in the relevant designated facility with another person –

(I) the amount specified in column 3 of Schedule 1 opposite reference number 1, and

(II) in respect of each person referred to in column 2 of Schedule 1 at reference number 2, 3 or 4 with whom, he or she shares the room, the amount specified in column 3 of Schedule 1, opposite that reference number, and

(b) shall be subject to no further charge in respect of any period during which the applicable traveller or a person referred to in paragraph (a)(ii)(II) remains in the relevant designated facility following the expiration of the period referred to in paragraph (a).

1. Subject to Regulation 8, an applicable traveller to whom Regulation 6 applies shall pay the charge specified in that Regulation –

(a) when pre-booking a place in a designated facility in accordance with section 38B(5) of the Act of 1947, and

(b) by means of an online portal managed by the approved services provider, or by such other means of secure online payment as the approved services provider may require.

1. Subject to Regulation 12(a), where an applicable traveller fails to comply with Regulation 7, he or she shall, on arrival at the relevant designated facility, pay the charge concerned to the approved services provider.
2. An applicable traveller to whom section 38B(1)(b) of the Act of 1947 applies shall be subject to the following charge:

(a) where he or she does not share a room in the relevant designated facility with another person, in respect of each day on which he or she is in the relevant designated facility, the amount specified in column 3 of Schedule 2 opposite reference number 1, and

(b) subject to Regulation 17, where he or she shares a room in the relevant designated facility with another person –

(i) in respect of each day on which he or she is in the relevant designated facility, the amount specified in column 3 of Schedule 2 opposite reference number 1, and

(ii) in respect of each day on which a person referred to in column 2 of Schedule 2 at reference number 2, 3 or 4 shares the room with him or her, the amount specified in column 3 of Schedule 2, opposite that reference number.

1. Subject to Regulation 12(b), an applicable traveller to whom Regulation 9 applies shall, prior to his or her departure from the relevant designated facility, pay the charge specified in that Regulation to the approved services provider.
2. On application to him or her by the applicable traveller concerned –

(a) where the applicable traveller is outside the State, an officer of an Irish diplomatic mission or consular office outside the State, or

(b) in any other case, a state liaison officer,

may grant the applicable traveller an authorisation under this Regulation, where the officer is satisfied that the applicable traveller concerned is unable to pay the charge concerned at the time specified in Regulation 7, 8 or 10.

1. An authorisation granted under Regulation 11 shall permit, as the case may be –

(a) notwithstanding that the applicable traveller is unable to make a payment at the time specified in Regulation 7 or 8, as the case may be , the making of a booking in the designated facility in respect of the applicable traveller concerned and any dependent person who is to be in the designated facility with him or her, or

(b) the payment by the applicable traveller of the charge specified in Regulation 9 at a time that is later than the time of his or her departure from the relevant designated facility.

1. An applicable traveller who has been granted an authorisation under Regulation 11 may apply to the Minister for an exemption from the obligation to pay a charge specified in Regulation 6 or 9, which application shall be –

(a) in the form specified by the Minister, and

(b) accompanied by –

(i) a copy of an authorisation granted under Regulation 11 to

the applicable traveller,

and

(ii) such information relating to the means of the applicable traveller, including the benefits (if any) under the Health Act 1970 and the Social Welfare Consolidation Act 2005 of which the applicable traveller is in receipt, as the Minister may specify.

1. The Minister, on receipt of an application under Regulation 13, shall consider the information contained in the application and may direct that the applicable traveller concerned:

(a) be exempted, whether in whole or in part, from the obligation to pay the charge concerned, or

(b) not be so exempted

1. Where –

(a) an applicable traveller has paid a charge under Regulation 6, and

(b) the applicable traveller or, as the case may be, a person referred to in Regulation 6(a)(ii)(II), by reason of a decision under subparagraph (i), (ii), (iv), (v), (vi) or (vii) of section 38B(17)(a) of the Act of 1947, does not remain in the relevant designated facility for the entire of the period referred to in Regulation 6(a),

the applicable traveller shall be entitled to a refund of the portion of the amount paid in respect of the period during which he or she or the person concerned does not remain in the relevant designated facility.

16. (a) An applicable traveller to whom subsection (11) or (14) of section 38B of the Act of 1947 applies is exempt in whole from the obligation to pay a charge specified in these Regulations.

(b) An applicable traveller who is the subject of a direction under Regulation 14(a) is exempt, to the extent specified in the direction, from the obligation to pay a charge specified in these Regulations.

17. (a) Where two or more applicable travellers (who are not dependent persons) share a room in a designated facility –

(i) the charge specified in Regulation 6(a)(ii)(I) or Regulation 9(b) (i) shall be chargeable in respect of one such applicable traveller only,

(ii) the charge specified in Regulation 6(a)(ii)(II) or

Regulation 9(b) (ii) shall be chargeable in respect of the

other applicable travellers, and

(iii) the payment of the charge specified in Regulation 6 or 9, as the case may be, shall be made by one of the applicable travellers, chosen by them.

(b) Where an applicable traveller pays, on behalf of another applicable traveller, a charge to which the second mentioned applicable traveller is subject under these Regulations, the second mentioned applicable traveller shall, subject to paragraph

(c), be considered to have complied with his or her obligations to pay the charge concerned.

(c) For the purposes of section 38F(5) of the Act of 1947, the liability of –

(i) each applicable traveller referred to in paragraph (a), in

respect of the change referred to in that paragraph, shall be

joint and several, and

(ii) the first mentioned applicable traveller and the second mentioned applicable traveller (where he or she is not a dependent person) referred to in paragraph (b), in respect of the charge referred to in that paragraph, shall be joint and several.

**SCHEDULE 1**

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  | Rate for one adult | €1,875 |
|  | Rate for each additional  person, of 12 years of  age or older, sharing  room with adult referred  to at reference number 1 | €625 |
|  | Rate for each child, who  is more than 3 years of  age and less than 12  years of age, sharing  room with adult referred  to at reference number 1 | €360 |
|  | Rate for each infant, of  less than 3 years of age,  sharing room with adult  referred to at reference  number 1 | €0 |

**SCHEDULE 2**

|  |  |  |
| --- | --- | --- |
| (1) | (2) | (3) |
|  | Daily rate for one adult | €150 |
|  | Daily rate for each  additional person, of 12  years of age or older,  sharing room with adult  referred to at reference  number 1 | €55 |
|  | Daily rate for each child,  who is more than 3 years  of age and less than 12  years of age, sharing  room with adult referred  to at reference number 1 | €30 |
|  | Daily rate for each  infant, of less than 3  years of age, sharing  room with adult referred  to at reference number 1 | €0 |

The Minister for Public Expenditure and Reform consents to the making of the

foregoing Regulations.

GIVEN under the Official Seal of the Minister for Public

Expenditure and Reform,

22 March, 2021.

MICHAEL MCGRATH,

Minister for Public Expenditure and Reform.

GIVEN under my Official Seal,

22 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, made under sections 5 and 38G (inserted by section 7 of the Health (Amendment) Act 2021) of the Health Act 1947 prescribe the manner in which costs chargeable to an applicable traveller under section 38F of the Act of 1947 are to be paid and to whom; and certain classes of applicable traveller who shall be exempt in whole or in part from the obligation to pay such costs.

# Table of Regulations amending the Health Act 1947 (Section 38G) (Payment of Chargeable Costs) (Covid-19) Regulations 2021

|  |  |  |  |  |  |  |  |  |  |
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| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | |  |  |  | |  |  |  | |

# S.I. No. 126/2021 - Health Act 1947 (Personal Data) Regulations 2021

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 26th March, 2021.*

I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred upon me by section 5 and sections 38G(1) and 38K (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:

**Citation and operation**

1. (1) These Regulations may be cited as the Health Act 1947 (Personal Data) Regulations 2021.

(2) These Regulations shall come into operation on the 22nd day of March 2021.

**Definition**

2. In these Regulations, “Act of 1947” means the Health Act 1947 (No. 28 of 1947).

**Processing personal data**

3. (1) Personal data specified in paragraph (2) that are collected for the purposes of sections 38B and 38J of the Act of 1947 may be processed, solely for the purposes and to the extent provided for in that Act, in accordance with a contract in force between the data controller and a data processor in relation to the processing of such data.

(2) The personal data referred to in paragraph (1), in relation to an applicable traveller, are the following:

(a) name of the applicable traveller;

(b) his or her place of residence;

(c) his or her email address;

(d) his or her phone number;

(e) number of people travelling with the applicable traveller;

(f) number of adults travelling with the applicable traveller;

(g) number of children travelling with the applicable traveller;

(h) reservation information, including:

(i) date for check in and check out;

(ii) reservation number;

(iii) number of rooms required;

(i) travel information, including:

(i) expected date of arrival;

(ii) expected time of arrival;

(iii) flight or ferry number;

(iv) place of arrival;

(j) states in which the applicable traveller was in the 14 days prior to his or her arrival in the State;

(k) passport number or national identity card number.

**Processing special categories of personal data**

4. (1) Special categories of personal data specified in paragraph (2) that are collected for the purposes of sections 38B and 38J of the Act of 1947 may be processed, solely for the purposes and to the extent provided for in that Act, in accordance with a contract in force between the data controller and a data processor in relation to the processing of such special categories of personal data.

(2) The special categories of personal data referred to in paragraph (1), in relation to an applicable traveller, are the following:

(a) information on dietary requirements for meals while in quarantine;

(b) information on accessibility requirements for room allocation while in quarantine;

(c) results of any RT-PCR tests undertaken by applicable travellers while undergoing quarantine;

(d) medical information provided for the purposes of diagnosis or treatment of persons who are quarantining in a designated facility or for the purposes of requesting a review of quarantine under section 38B(16) of the Act of 1947.

**Processing of test results and medical information**

5. Without prejudice to the generality of Regulation 4, personal data concerning health, including data relating to the results of a RT-PCR test undertaken by a person quarantining in a designated facility, may be processed, solely for the purposes and extent provided for in the Act of 1947, in accordance with a contract in force between the Minister and a data processor in relation to such data.

**Non-disclosure of personal data**

6. Where personal data or special categories of personal data are provided by an applicable traveller, in accordance with these Regulations or the Act of 1947, to the data controller or to a data processor referred to in Regulation 3 or 4, the data controller or the data processor, as the case may be, shall not share or otherwise disclose the data –

(a) to another person with whom the Minister has a contract for the processing of such data, unless the disclosure is necessary for the person to carry out his or her functions under that contract, these Regulations or the Act of 1947, and

(b) to a person with whom the Minister does not have a contract for the processing of such data, without the explicit consent of the applicable traveller.

**Retention of personal data and special categories of personal data**

7. Personal data and special categories of personal data processed in accordance with the provisions of section 38K of the Act of 1947 shall not be retained for a period longer than that specified in subsections (3), (4) or (5) of that section.

GIVEN under my Official Seal,

22 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.)

This order sets out the data processing regulations which will apply to arrangements relating to the implementation of subsections 38B to 38L (inserted by the Health (Amendment) Act 2021 ) of the Health Act (1947).

# Table of Regulations amending the Health Act 1947 (Personal Data) Regulations 2021

|  |  |  |  |  |  |  |  |  |  |
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| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | |  |  |  | |  |  |  | |

# S.I. No. 134/2021 - Health Act 1947 (Exempted Traveller) (Covid-19) Regulations 2021

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

The Minister for Health, in exercise of the powers conferred on him by sections 5 , 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)) (in so far as it relates to regulations 3 and 5) and 38G (inserted by section 7 of the Health (Amendment) Act 2021 (No. 1 of 2021)) of the Health Act 1947 (No. 28 of 1947) and, in relation to regulations 3 and 5 –

(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 Finance, Minister for Transport, the Minister for Foreign Affairs, and the Minister for Justice.

hereby makes the following regulations:

1. (1) These Regulations may be cited as the Health Act 1947 (Exempted Traveller) (Covid-19) Regulations 2021.

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

2. In these Regulations –

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

‘certification of essential services’ means a written certification that is issued by a certifying body under Regulation 18(3);

“certification 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 certification 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;

‘certifying body’ means –

1. the Minister for the Environment, Climate and Communications,
2. the Minister for Defence,
3. the Minister for Enterprise, Trade and Employment,
4. the Minister for Health,
5. the Minister for Justice,
6. the Minister for Transport, or
7. a body specified in the Schedule;

“dependant person” has the same meaning as it has in section 38B(25) of the Act of 1947;

‘essential services’ mean essential repairs, maintenance,

construction or safety assurance relating to –

(a)  critical transport infrastructure and services (including the commissioning and decommissioning of such infrastructure and services),

(b)  critical utility infrastructure (including the commissioning and decommissioning of such infrastructure),

(c)  critical public services,

(d)  manufacturing services,

(e)  information services, or

(f)  communications services;

“relevant person” has the meaning assigned to it by Regulation 3;

“relevant test result” means, in relation to a transit passenger, a record or evidence, in written or electronic form, confirming that –

(a) the person has been subject to a RT-PCR test,

(b) such test was administered to the person no more than 72 hours before he or she arrives in the State, and

(c) Covid-19, or the virus SARS-CoV-2, was not detected in the person at the time of taking the test;

“RT-PCR test” means a reverse transcription polymerase chain reaction 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;

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‘service provider’ means a person who performs essential services;

“Sport Ireland certification” means a written certification that is provided to a person by Sport Ireland under Regulation 9(11) of 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);

“transit passenger” means a person prescribed under Regulation 4;

“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.

3. The following persons (each of whom, in these Regulations, is referred to as a “relevant person”) are specified as relevant persons for the purposes of these Regulations:

(a) authorised officers;

(b) medical officers of health;

(c) officers of the Minister for Justice, being immigration officers appointed by that Minister under section 3 of the Immigration Act 2004 (No. 1 of 2004);

(d) officers of customs (within the meaning of the Customs Act 2015 (No. 18 of 2015));

(e) any officer, employee or agent of the Health Service Executive who is acting in the course of his or her duty as such officer, employee or agent.

4. For the purposes of paragraph (j) of the definition of “exempted traveller” in section 38B(25) of the Act of 1947, a person is prescribed as an exempted traveller where the person –

(a) arrives at a port or airport in the State for the purposes of travelling to another state,

(b) does not leave the port or airport concerned before so travelling,

(c) has a relevant test result, if he or she is more than 7 years of age,

(d) presents himself or herself to a relevant person or a member of the Garda Síochána on arrival at a port or airport in the State, and

(e) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 5.

5. A relevant person or a member of the Garda Síochána may request a transit passenger:

(a) to provide such information or documentation as may be required in order to verify that the transit passenger has arrived in the State for the purposes of travelling to another state;

(b) to remain at the place where he or she presents himself or herself to the relevant person or a member of the Garda Síochána, or at such other place in the port or airport as he or she may be requested to remain by the relevant person or a member of the Garda Síochána;

(c) to go to such place in the port or airport as requested by the relevant person or a member of the Garda Síochána or to accompany the relevant person or a member of the Garda Síochána to such a place.

6. For the purposes of paragraph (j) of the definition of “exempted traveller” in section 38B(25) of the Act of 1947, a person is prescribed as an exempted traveller where the person –

(a) arrives in the State during the period beginning on the 6th day of April 2021 and ending on the 11th day of April 2021 having been, within a period of 14 days prior to such arrival, in –

(i) the Republic of Albania, or

(ii) the State of Israel,

and

(b) has not during the period of 14 days prior to such arrival been in any designated state other than a state referred to in subparagraph (i) or (ii) of paragraph (a).

7. For the purposes of paragraph (j) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947, a person is prescribed as an exempted traveller where the person -

* + - 1. holds a valid Sport Ireland certification, and
      2. complies with any request of a relevant person or a member of the Garda Síochána under Regulation 8.

8. A relevant person or a member of the Garda Síochána may request a person to provide such information or documentation as may be required in order to ascertain whether or not the person holds a valid Sport Ireland certification.

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“9. (1) For the purposes of paragraph (j) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947, a person is prescribed as an exempted traveller –

1. where the person is -

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1. a child who –
2. is accompanied by one or more than one responsible adult,
3. was not born in the State,
4. has not previously been in the State, and
5. is travelling to the State for the purpose of becoming ordinarily resident in the State,

(ii) a responsible adult in respect of a child referred to in clause (i), or

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(iii) a dependant person accompanying a responsible adult and a child referred to in clause (i),

and

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(b) the responsible adult referred to in subparagraph (a)(ii) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 10.

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(2) In this Regulation –

‘child’ means a person who is under the age of 18 years;

‘responsible adult’ means a person (other than a dependant person) who –

1. is 18 years of age or older,
2. is ordinarily resident in the State, and
3. travels to the State with a child referred to in paragraph (1)(a)(i).

10. A relevant person or a member of the Garda Síochána may request a responsible adult referred to in clause (ii) of Regulation 9(1)(a) to provide such information or documentation as may be required in order to ascertain whether or not clauses (i) and (ii) and, if applicable, (iii), of that Regulation apply.

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11. For the purposes of paragraph (j) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947, a person is prescribed as an exempted traveller -

1. where the person –
2. has a certification of vaccination, or

(ii) is a dependent person accompanying the person referred to in subparagraph (i),

and

1. the person referred to in paragraph (a)(i) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 12.

12. A relevant person or a member of the Garda Síochána may request a person referred to in Regulation 11(a)(i) to provide such information or documentation as may be required in order to ascertain whether or not he or she is a vaccinated person and, if applicable, whether or not a person accompanying him or her is a dependant person.

13. (1) For the purposes of paragraph (j) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947, a person is prescribed as an exempted traveller where –

(a) the person –

(i) is returning to the State having travelled to a state for an unavoidable, imperative and time-sensitive medical reason,

(ii) is in possession of a medical certificate from a registered medical practitioner or from a person holding an equivalent qualification outside the State to the effect that he or she had an unavoidable, imperative and time-sensitive reason for so travelling, and

(iii) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 14,

(b) the person is a carer in respect of a person referred to in subparagraph (a), or

(c) the person is a dependant person accompanying a person referred to in subparagraph (a) or a carer.

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(2) In this Regulation, ‘carer’ means a person (other than a dependant person) who is responsible for the care of a person referred to in paragraph (1)(a) and who returns to the State with the person concerned.

14. A relevant person or a member of the Garda Síochána may request a person referred to in Regulation 13(1)(a) or a carer (within the meaning of Regulation 13(2)) to provide such information or documentation as may be required in order to ascertain whether or not clauses (i) and (ii) of that Regulation apply, and if applicable, whether or not a person is a carer or a dependant person, as the case may be.

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15. For the purposes of paragraph (j) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947, a person is prescribed as an exempted traveller where the person is –

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1. responsible for the care of a person referred to in paragraph (f) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947 and he or she travels to the State with the person concerned, or
2. a dependant person accompanying –
3. a person referred to in paragraph (a), or
4. a person referred to in paragraph (f) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947.

16. For the purposes of paragraph (j) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947, a person is prescribed as an exempted traveler where the person –

(a) is a service provider who is not ordinarily resident in the State,

(b) holds a valid certification of essential services,

(c) travels to the State for the purpose of performing, on a temporary basis, the essential services specified in the certification of essential services, and

(d) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 17.

17. A relevant person or a member of the Garda Síochána may request a service provider to provide such information or documentation as may be required in order to ascertain whether or not paragraphs (a) to (c) of Regulation 16 apply.

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18. (1) A person who requires a service provider to travel to the State to perform essential services may apply to a certifying body for a certification of essential services.

(2) An application under paragraph (1) shall be made to the certifying body who performs functions in relation to the essential service concerned.

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(3) A certifying body may, after consideration of an application in that behalf and where it is satisfied that a service provider is required to travel to the State to perform essential services, issue a certification of essential services subject to such terms and conditions as the certifying body sees fit.

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19. For the purposes of paragraph (j) of the definition of ‘exempted traveller’ in section 38B(25) of the Act of 1947, a person is prescribed as an exempted traveller where the person –

(a) is any one of the following:

(i) a member of staff in the Marine Survey Office of the Department of Transport;

(ii) an investigator appointed under section 26(2) of the Merchant Shipping (Investigation of Marine Casualties) Act 2000 (No. 14 of 2000);

(iii) an Inspector of Air Accidents appointed under Regulation 5(1) of the Air Navigation (Notification and Investigation of Accidents, Serious Incidents and Incidents) Regulations 2009 (S.I. No. 460 of 2009); or

(iv) a member of staff of the Irish Aviation Authority,

(b) is returning to the State having travelled to a state to perform essential services in the course of his or her employment,

(c) holds a letter from his or her employer stating the purpose of his or her travel from the State, and

(d) complies with any request of a relevant person or a member of the Garda Síochána under Regulation 20.

20. A relevant person or a member of the Garda Síochána may request a person referred to in Regulation 19(a) to provide such information or documentation as may be required in order to ascertain whether or not paragraphs (a) to (c) of that Regulation apply.

**SCHEDULE**

The Commission for Communications Regulation

The Commission for Regulation of Utilities

The Commissioners of Irish Lights

The Courts Service

EirGrid plc

Enterprise Ireland

ESB Networks DAC

An Garda Síochána

Gas Networks Ireland

IDA Ireland

The Irish Aviation Authority

The Local Government Management Agency

The Medical Bureau of Road Safety

The National Standards Authority of Ireland

The National Transport Authority

The Permanent Defence Force

The Road Safety Authority

Transport Infrastructure Ireland

GIVEN the Official Seal of the Minister for Health,

25 March, 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.

**EXPLANATORY NOTE**

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These regulations define transit passengers as exempted travellers for the purposes of section 38B (25) (inserted by section 7 of the Health (Amendment) Act 2021) of the Health Act 1947, as amended.

# Table of Regulations amending the Health Act 1947 (Exempted Travellers) (Covid-19) Regulations 2021

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| |  |  |  | | --- | --- | --- | | **Title** | **Date made** | **Iris Oifigiúil** | | SI 173/2021 Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) Regulations 2021 | 12/4/2021 | 16/4/2021 | | SI 181/2021 Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 2) Regulations 2021 | 15/4/2021 | 20/4/2021 | | SI 183/2021 Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 3) Regulations 2021 | 17/4/2021 | 20/4/2021 | | SI 211/2021 Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 4) Regulations 2021 | 30/4/2021 | 4/5/2021 | | SI 216/2021 Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 5) Regulations 2021 | 7/5/2021 | 11/5/2021 | | SI 241/2021 Health Act 1947 (Exempted Traveller) (Covid-19) (Amendment) (No. 6) Regulations 2021 | 13/5/2021 | 21/5/2021 | |

# S.I. No. 143/2021 - Health Act 1947 (Section 38G – Rules and Procedures for Review of Quarantine) (Covid-19) Regulations 2021

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

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 –

(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 .

# Table of Regulations amending the Health Act 1947 (Section 38G – Rules and Procedures for Review of Quarantine) (Covid-19) Regulations 2021

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# S.I. No. 144/2021 - Health Act 1947 (Section 38G – conduct of RT-PCR tests – prescribed persons) (Covid-19) Regulations 2021

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

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 – conduct of RT-PCR tests – prescribed persons) (Covid-19) Regulations 2021.

2. The Health Service Executive is prescribed as a person approved by the Minister to conduct RT-PCR tests.

GIVEN under my Official Seal,

26 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 prescribe the HSE as the persons approved by the Minister for Health to conduct RT-PCR tests with applicable travellers in designated facilities under section 38G (1) (e) (inserted by section 7 of the Health (Amendment) Act 2021 (No. 1 of 2021) of the Health Act 1947.

# Table of Regulations amending the Health Act 1947 (Section 38G – conduct of RT-PCR tests – prescribed persons) (Covid-19) Regulations 2021

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# S.I. No. 175/2021 - Health Act 1947 (Section 38G) (Covid-19) Regulations 2021

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th April, 2021.*

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 Minster 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.

**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.

# Table of Regulations amending the Health Act 1947 (Section 38G) (Covid-19) Regulations 2021

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