Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

Number 24 of 2021

HEALTH (AMENDMENT) (NO. 2) ACT 2021

REVISED

Updated to 10 January 2022

This Revised Act is an administrative consolidation of the *Health (Amendment) (No. 2) Act 2021*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Maritime Area Planning Act 2021* (50/2021), enacted 23 December 2021, and all statutory instruments up to and including the *European Communities (Safety of Toys) (Amendment) (No. 3) Regulations 2022* (S.I. No. 15 of 2022), made 11 January 2022, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 24 *of* 2021

HEALTH (AMENDMENT) (NO. 2) ACT 2021

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Number 24 *of* 2021

HEALTH (AMENDMENT) (NO. 2) ACT 2021

REVISED

Updated to 10 January 2022

An Act to—

A. make, on a temporary basis, exceptional provision, in the public interest and having regard to the manifest and grave risk to human life and public health posed by the spread of the disease known as Covid-19 and variants of that disease and in order to mitigate, where practicable, the effect of the spread of that disease; to amend the Health Act 1947 for that purpose; to provide for the lawful operation of certain indoor premises subject to certain conditions notwithstanding restrictions in place in relation to such premises under that Act; to provide, for those purposes, for a robust and enforceable system of verification of the health status of certain persons, including vaccination or recovery status; to confer a power on the Minister for Health to prescribe matters related to the foregoing; to provide for enforcement; and to provide for related matters;

B. amend certain provisions relating to pre-travel requirements in respect of certain persons arriving in the State; to amend the period to be spent by a person in quarantine at a designated facility in certain circumstances; to make provision in relation to the power of the Minister for Health to make regulations in relation to tests that may be taken for the purpose of detecting Covid-19 in the context of the requirement to quarantine at a designated facility and to confer a power on that Minister to prescribe the purpose for which such a test may be taken; to provide that quarantine at a designated facility shall not be required for certain persons arriving in the State in certain circumstances and to confer a power on the Minister for Health to make regulations in relation to those circumstances; for those purposes, and for related purposes, to amend the Health Act 1947; and to provide for related matters.

[21*st July*, 2021]

In relation to paragraph A of the foregoing:

WHEREAS a public health emergency has arisen and continues in the State by virtue of the spread of the disease known as Covid-19;

AND WHEREAS that disease, and the emergence of variants of the disease, and particularly the Delta variant, with evidence of increased transmissibility and the potential to evade immune response, and the spread of those variants, continues to present a very serious risk to public health and it is essential that persons testing positive or who are asymptomatic for the disease including in particular, variants of the disease, are restricted on a temporary basis from access to certain indoor premises given that the transmission of the disease has proven difficult to prevent;

AND WHEREAS a number of vaccinations for active immunisation to prevent the disease have been identified, authorised for use in the State and administered to part of the population of the State, and the availability of such vaccinations provides an opportunity to ease certain restrictions in force provided certain conditions are adhered to;

AND WHEREAS the existence of immunity as a result of having recovered from infection with Covid-19 also provides, in certain contexts, an opportunity to ease certain restrictions in force provided certain conditions are adhered to;

AND WHEREAS certain indoor social activities are by their nature high risk and are likely to involve significant levels of social mixing in environments conducive to disease transmission, which risk is diminished where participants in these activities have immunity from the disease;

AND WHEREAS the likelihood of transmitting, and the consequences of infection with, that disease are diminished in the case of persons who have been treated with such vaccines or who have recovered from infection with Covid-19, to the extent that allowing such persons to participate in certain aspects of the normal social and economic functioning of society presents a lesser threat to the State's efforts to prevent, minimise, limit or reduce the risk of persons being infected with the disease than so allowing people who have not been so treated or who have not so recovered;

AND WHEREAS the easing of certain restrictive measures imposed on persons in the State as regards certain indoor premises is rendered safer from a public health perspective when accompanied by a robust and enforceable system of verification of vaccination or immunity status;

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, commencement and operation

1. (1) This Act may be cited as the Health (Amendment) (No. 2) Act 2021.

(2) This Act shall come into operation on such day or days as the Minister for Health may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

F1**[**(3) Part 2 shall continue in operation for the period ending on the later of—

(a) the 31st day of March 2022, or

(b) the date that is specified in a resolution passed by each House of the Oireachtas under *subsection (4)*.**]**

F1**[**(4) Each House of the Oireachtas may, on or before the 31st day of March 2022, pass a resolution to continue Part 2 in operation for such period, not exceeding 3 months, that ends on a date specified in the resolution.**]**

(5) *Part 3* shall continue in operation until the date on which sections 2, 7 and 8 of the Health (Amendment) Act 2021 shall cease to have effect.

Definition

2. In this Act, "Act of 1947" means the Health Act 1947.

PART 2

Amendments relating to certain indoor premises

Insertion of sections 31AB to 31AL to Act of 1947

3. The Act of 1947 is amended by the insertion of the following sections after section 31AA:

"Disapplication of certain provisions in respect of certain premises so as to enable those premises to grant access to members of the public under certain conditions

31AB. (1) Without prejudice to the generality of section 31A, and any regulations made from time to time thereunder requiring an indoor operator to ensure that persons (or such class of persons as may be prescribed in such regulations) are not permitted, or otherwise granted, access to a relevant indoor premises, it shall be lawful, subject to subsection (2), for an indoor operator to permit or otherwise grant access to such premises provided that the indoor operator—

(a) complies with the conditions in subsection (3), and

(b) would, but for the aforesaid regulations, be permitted in accordance with law to permit or otherwise grant access to such premises.

(2) It shall not be lawful for an indoor operator to permit, or otherwise grant, access to persons or such class of persons as may be prescribed in regulations referred to in subsection (1) during any period of time prescribed in regulations under section 31A during which access is prohibited.

(3) The conditions referred to in subsection (1) are as follows, namely:

(a) that the indoor operator has taken reasonable steps (including by inspecting such documents, if any, as may be prescribed in regulations under subsection (4)) to ensure that a person other than a permitted person is not admitted to a relevant indoor premises;

(b) that the indoor operator does not knowingly permit a person other than a permitted person to access a relevant indoor premises;

(c) that personal data accessed by an indoor operator for the purposes of paragraph (a) is not retained by that person;

(d) that without prejudice to the requirement to adhere generally to such guidelines as are for the time being in place with respect to an indoor premises, the indoor operator adheres to such guidelines set out by certain bodies (or specific parts of such guidelines) as are prescribed by the Minister under subsection (4)(h);

(e) that the indoor operator complies with such additional conditions as may be prescribed under subsection (4)(f).

(4) Without prejudice to the generality of section 31A(1), the Minister may make regulations giving full effect to this section, and, without prejudice to the generality of the foregoing, such regulations may, in particular, provide for all or any of the following:

(a) the safeguards required to be put in place by the owners, occupiers, managers, licence holders of, or other persons (howsoever described) in charge of relevant indoor premises, including by reference to persons, or classes of persons, being permitted different levels of access to such premises on the basis of different levels of immunity or resistance to, or vaccination or inoculation against, Covid-19;

(b) without prejudice to the generality of sections 31AC to 31AK, particularising or specifying further matters relating to the operation and enforcement, as the case may be, of any matters referred to in subsection (3);

(c) prescribing additional classes of persons as permitted persons for the purposes of the definition of 'permitted person' which may, if appropriate, include persons who have received the results of medical tests the purpose of which is to detect the presence of Covid-19, or the virus SARS-CoV-2, in the person to whom the test was administered;

(d) prescribing types or categories of information or proof, or classes of such information or proof, (including electronic documentation, one or more classes of EU Digital Covid Certificates, and vaccines or combinations of vaccines) for the purposes of—

(i) the definition of 'proof of immunity', and

(ii) allowing an indoor operator to ascertain whether or not a person is a permitted person;

(e) prescribing an indoor premises, or a class of such premises—

(i) as a relevant indoor premises for the purposes of paragraph (c) of the definition of 'relevant indoor premises', or

(ii) as a premises to which the definition of 'relevant indoor premises' does not apply;

(f) prescribing additional conditions for the purposes of subsection (3)(e), including different conditions in respect of one or more classes of premises;

(g) without prejudice to the generality of sections 31AD to 31AK, prescribing—

(i) additional bodies for the purpose of paragraph (c) of the definition of 'relevant body', and the manner in which relevant bodies or compliance officers designated by a relevant body may carry out inspections of relevant indoor premises,

(ii) the manner in which relevant bodies or compliance officers may inspect and verify proof of immunity or proof that a person is a permitted person, for the purposes of investigating or monitoring compliance with the conditions referred to in subsection (3), and

(iii) that a breach of any regulation relating to—

(I) the inspection of relevant indoor premises,

(II) the verification of proofs for any purpose under this section or sections 31AC to 31AK, or

(III) the enforcement of obligations in this section or sections 31AC to 31AK,

may be stated to be an offence in the regulation concerned and a person guilty of such an offence shall be liable on summary conviction to a class C fine;

(h) prescribing guidelines set out by certain bodies (or specific parts of such guidelines) to which indoor operators are required to adhere for the purposes of the condition referred to in subsection (3)(d);

(i) prescribing a class or classes of persons, as persons to whom, despite being in or at a relevant indoor premises in a professional capacity, in the course of their employment, or in fulfilment of a contract for services, paragraph (c) of the definition of 'permitted person' does not apply;

(j) prescribing an age under the age of 18 years for the purposes of 'relevant minor' within the meaning of paragraph (b) of the definition of 'permitted person';

(k) prescribing a person other than a parent or guardian or person acting in *loco parentis*, in relation to a relevant minor, who may accompany such minor to a relevant indoor premises for the purposes of paragraph (b) of the definition of 'permitted person';

(l) such additional, incidental, consequential or supplemental matters as the Minister considers necessary or expedient for the purposes of giving full effect to regulations under this section.

(5) When making regulations under subsection (4), the Minister—

(a) shall have regard to the matters referred to in paragraph (a) of section 31A(2),

(b) may have regard to the matters referred to in paragraph (b) of section 31A(2), and

(c) may consult—

(i) any other Minister of the Government as he or she considers appropriate having regard to the functions of that other Minister of the Government,

(ii) a relevant body, and

(iii) a body referred to in paragraph (h) of subsection (4).

Matters relating to documents provided for purposes of section 31AB

31AC. (1) An indoor operator may, for the purposes of complying with conditions referred to in section 31AB(3), request that a person seeking entry to a relevant indoor premises make available for inspection to him or her evidence that the person is a permitted person.

(2) A person shall be guilty of an offence where he or she provides a document in response to the request of an indoor operator under subsection (1) that, to the person's knowledge—

(a) has been forged or fraudulently altered, or

(b) relates to a person other than the person providing the document.

(3) A person who is guilty of an offence under subsection (2) shall be liable on summary conviction to a class C fine.

Compliance officers

31AD. (1) A relevant body may, in writing, designate one or more persons who may carry out the functions of a compliance officer under this section and under sections 31AE to 31AK.

(2) A compliance officer shall, when carrying out his or her functions under this section and under sections 31AE to 31AK, retain in his or her possession the written designation referred to in subsection (1) and may produce such designation on request and for inspection by such person as he or she sees fit.

(3) The Minister may prescribe additional powers and functions that a compliance officer may exercise and carry out, respectively, for the purpose of giving effect to this section and sections 31AE to 31AK.

Entry, inspection, etc., of relevant indoor premises

31AE. (1) A compliance officer may enter a relevant indoor premises without warrant at any time and there make such inspection, examination, observation and enquiry as he or she thinks proper in order to assess whether an indoor operator has complied with the conditions referred to in section 31AB(3).

(2) Where, having made an inspection, examination, observation and enquiry under subsection (1), a compliance officer forms the view that an indoor operator has, without complying with the conditions referred to in section 31AB(3), permitted, or otherwise granted, persons access to a relevant indoor premises in contravention of regulations made under section 31A, the compliance officer shall—

(a) inform the indoor operator of the fact that he or she has formed such a view,

(b) direct the indoor operator to take such steps as the compliance officer considers appropriate in order to comply with such conditions, and

(c) inform the indoor operator that failure to comply with such a direction may result in the compliance officer informing a member of the Garda Síochána of that fact or bringing an application to the District Court in accordance with sections 31AF or 31AH or issuing a compliance notice in accordance with section 31AG.

(3) Where an indoor operator fails to comply with a direction under subsection (2), the compliance officer who issued the direction may, as he or she sees fit—

(a) inform a member of the Garda Síochána of that fact,

(b) bring an application to the District Court under sections 31AF or 31AH, or

(c) issue a compliance notice under section 31AG.

(4) A person who—

(a) prevents or attempts to prevent a compliance officer from exercising the power conferred by subsection (1), or

(b) obstructs or attempts to obstruct any such officer in the exercise of that power,

is guilty of an offence and is liable on summary conviction to a class C fine.

Application for emergency cessation order

31AF. (1) A compliance officer may apply *ex parte* to the District Court, at the next available sitting of that court, for an order (in this Act referred to as a 'emergency cessation order') for the temporary restriction of access by members of the public to a relevant indoor premises, for a period not exceeding 72 hours, where—

(a) one, or more than one, indoor operator fails or refuses to comply with a direction under section 31AE(2), and

(b) in light of such failure or refusal, the compliance officer is of the opinion that such failure or refusal is continuing or is likely to recur.

(2) An application under subsection (1) shall be made on the sworn information of the compliance officer concerned and shall state the basis on which the application is made.

(3) The District Court may, in any case where it considers it appropriate to do so, adjourn the hearing of an application made under subsection (1) and direct that the indoor operator be notified of the date of the adjourned hearing and served with a copy of the sworn information referred to in subsection (2).

(4) The District Court may make an emergency cessation order directing an indoor operator, notwithstanding section 31AB, not to permit, or otherwise grant, persons access to a relevant indoor premises where the court is satisfied that, in relation to a particular relevant indoor premises—

(a) there has been a failure or refusal by an indoor operator to comply with a direction given under section 31AE(2),

(b) such failure or refusal is continuing or is likely to recur, and

(c) the making of the order is appropriate in the circumstances.

(5) An emergency cessation order—

(a) shall specify the ground or grounds for making the order, and

(b) shall specify the date on which, and the time on that date from which, the order is to take effect.

(6) Where an application is heard *ex parte*, a compliance officer shall notify the indoor operator concerned forthwith of the making of an emergency cessation order and shall, at the same time, provide

a copy of the sworn information referred to in subsection (2) to the indoor operator.

(7) Subject to subsection (8), where an emergency cessation order has been made *ex parte*, the indoor operator may apply to the District Court to have the order discharged.

(8) An application under subsection (7) may only be made where the indoor operator has notified in writing the relevant body by which the compliance officer was appointed of the making of the application not less than 6 hours prior to the sitting of the District Court at which the application is to be made.

(9) The District Court shall, on application to it under subsection (7), discharge the order where the indoor operator proves to the satisfaction of the court that any directions given by a compliance officer to a person in respect of the relevant indoor premises have been and continue to be complied with.

(10) The District Court may, on application to it under subsection (7), discharge an emergency cessation order where—

(a) the indoor operator gives an undertaking to the court that the conditions in section 31AB(3) will be complied with in respect of the relevant indoor premises, and

(b) the court is satisfied that the discharge of the order is appropriate in the circumstances.

(11) This section applies whether or not a compliance notice has been issued in respect of the relevant premises concerned.

Compliance notice

31AG. (1) A compliance officer may, where an indoor operator fails or refuses to comply with a direction given in respect of a relevant premises under section 31AE(2), but no emergency cessation order was made in respect of such failure or refusal, issue a notice (in this Act referred to as a 'compliance notice') in writing to the indoor operator setting out the matters specified in subsection (3).

(2) A compliance notice shall be issued within 5 days from the giving of the direction concerned.

(3) A compliance notice shall—

(a) identify the conditions under section 31AB(3) that have not been or are not being complied with in respect of the relevant indoor premises,

(b) state the grounds upon which any direction, given to an indoor operator in respect of the premises prior to the issuing of the notice, was made,

(c) require the indoor operator to comply with any such direction forthwith and to comply with the conditions referred to in section 31AB(3), and

(d) inform the indoor operator that the compliance officer may apply to the District Court for a cessation order under section 31AH.

(4) A compliance notice shall take effect immediately upon service on the indoor operator.

(5) An indoor operator may appeal a compliance notice under section 31AJ but the lodging of an appeal shall not, pending the outcome of the appeal, affect the operation of the notice.

Application for cessation order

31AH. (1) A compliance officer may apply to the District Court for an order (in this Act referred to as a 'cessation order') for the restriction of access by members of the public to a relevant indoor premises where he or she is of the opinion that—

(a) there has been a failure to comply with a compliance notice, and

(b) such failure to comply is continuing or is likely to recur.

(2) An application under subsection (1) shall be made on not less than 5 days' notice to the indoor operator.

(3) Notwithstanding anything contained in the rules of court, not less than 7 days' notice of an application under subsection (1) shall be given to the District Court.

(4) The District Court shall give such priority to an application under subsection (1) as is necessary in the circumstances and may give such directions with regard to the hearing of the application as it considers appropriate in the circumstances.

(5) Upon the hearing of an application under subsection (1), the District Court may make a cessation order where the court is satisfied that—

(a) there has been a failure by an indoor operator to comply with a compliance notice in respect of a relevant premises,

(b) that failure is continuing or is likely to recur in respect of the relevant indoor premises concerned, and

(c) the making of the order is appropriate in the circumstances.

(6) In determining whether to make a cessation order under this section, the District Court may take into account the conduct of an indoor operator regarding the operation of the relevant indoor premises in response to any direction, emergency cessation order or compliance notice in respect of the relevant indoor premises.

(7) Subject to subsection (8), a cessation order shall have the effect of requiring a relevant indoor operator, notwithstanding section 31AB, not to permit, or otherwise grant, persons access to a relevant indoor premises for such period—

(a) not exceeding 7 days in the case of the first such order made in respect of that premises, and

(b) not exceeding 30 days in the case of the second or subsequent such order made in respect of that premises.

(8) The District Court may, if it considers it appropriate to do so, having regard to any mitigating circumstances and any undertaking given to the court in relation to future compliance with the conditions in section 31AB(3), suspend, for such period as it considers appropriate, the operation of the order.

(9) During any period that the operation of a cessation order stands suspended in accordance with subsection (8), a compliance officer may, on notice to the indoor operator, make an application to the District Court to revoke the suspension where he or she is of the opinion that—

(a) an undertaking, given in accordance with that subsection, is not being complied with, or

(b) there has been a change in the mitigating circumstances referred to in that subsection and some or all of those circumstances no longer apply.

(10) The District Court shall, where it is satisfied that either of the matters set out in paragraph (a) or (b) of subsection (9) apply, revoke the suspension unless the court considers it would be unjust in all the circumstances to do so.

(11) A compliance officer shall notify the indoor operator concerned of the making of a cessation order but, if the indoor operator or a legal representative (being a practising barrister, practising solicitor, or both (within the meaning of the Legal Services Regulation Act 2015)) of the indoor operator is present at the sitting of the District Court at which that order is made, the indoor operator shall be taken to have been notified of its making for the purposes of this subsection.

Applicable provisions in relation to certain orders

31AI. (1) While access to a relevant indoor premises or any part thereof is restricted in accordance with a cessation order or an emergency cessation order, the indoor operator concerned shall affix to the exterior of the premises, in a conspicuous place, a notice specifying the period of such restriction, whether the order applies to the whole or a part of the premises and stating that the restriction is in compliance with the order concerned.

(2) A person who fails to affix a notice in accordance with subsection (1) is guilty of an offence and is liable on summary conviction to a class C fine.

(3) A person who permits a relevant indoor premises to be open for business in contravention of a cessation order or an emergency cessation order is guilty of an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months, or both.

Appeal against compliance notice

31AJ. (1) A person aggrieved by a compliance notice may appeal against the notice to the District Court.

(2) An appeal under subsection (1) shall be made not later than 7 days from the date on which the compliance notice was served.

(3) The District Court shall give such priority to an appeal under subsection (1) as is necessary in the circumstances and may give such directions with regard to the hearing of the application as it considers appropriate in the circumstances.

(4) On the hearing of an appeal under subsection (1), the District Court may confirm, vary or revoke the compliance notice.

(5) A decision of the District Court under this section may be appealed to the Circuit Court and the Circuit Court may, on the hearing of the appeal, confirm, vary or revoke the compliance order.

Appeal against order

31AK. (1) An appeal to the Circuit Court against a cessation order shall not have the effect of suspending the operation of the order unless the Circuit Court, on application made to it by the appellant, suspends the operation of the order pending the determination of the appeal.

(2) The Circuit Court shall give such priority to an appeal referred to in subsection (1) or an application under that subsection as is necessary in the circumstances and may give such directions with regard to the hearing of the appeal or the application as it considers appropriate in the circumstances.

(3) On the hearing of the appeal, the Circuit Court may—

(a) affirm, revoke or vary the cessation order concerned, and

(b) make such other order (if any) in relation to the relevant indoor premises as it considers appropriate.

Data Protection

31AL. (1) Personal data contained in a proof of immunity shall be processed only for the purpose of accessing and verifying the information included in such proof of immunity in connection with the admittance of permitted persons to relevant indoor premises.

(2) For the purpose of section 31AB, an indoor operator may process personal data contained in a proof of immunity only for the purpose of accessing and verifying the information contained in the proof of immunity for the purposes of complying with that section.

(3) Personal data processed by an indoor operator for the purposes of this section shall not be retained by an indoor operator for any longer than is strictly required for the purposes of complying with a condition referred to in section 31AB(3).

(4) In this section—

'General Data Protection Regulation' has the meaning it has in section 38K;

'personal data' has the meaning it has in section 38K;

'processing' has the meaning it has in section 38K.".

Miscellaneous amendments to Act of 1947

4. The Act of 1947 is amended—

(a) in section 2, by the insertion of the following definitions:

" 'cessation order' has the meaning assigned to it in section 31AH;

'compliance notice' has the meaning assigned to it by section 31AG;

'compliance officer' means a person designated as a compliance officer under section 31AD;

'Covid-19' has the meaning it has in section 31A;

'Digital Covid Certificate Regulation' means Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 [1] on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic;

'emergency cessation order' has the meaning assigned to it by section 31AF;

'EU Digital Covid Certificate' has the meaning it has in the Digital Covid Certificate Regulation;

'indoor operator' means—

(a) in relation to a relevant indoor premises subject to 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), the holder of such a licence,

(b) in relation to a relevant indoor premises registered under the Registration of Clubs Acts 1904 to 2008, 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,

(c) in relation to a relevant indoor premises other than those referred to in paragraphs (a) and (b)—

(i) the occupier of the premises,

(ii) the manager of the premises, or

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

'permitted person' means—

(a) a person in possession of a proof of immunity relating to that person,

(b) a person under the age of 18 years, or such other age under the age of 18 years as may be prescribed, (in this paragraph referred to as a 'relevant minor') who accesses a relevant indoor premises—

(i) accompanied by his or her parent, guardian or a person acting in *loco parentis*, or

(ii) on such terms (including terms requiring the relevant minor to be accompanied by one or more other persons other than his or her parent or guardian or person acting in *loco parentis*) as may be prescribed,

(c) a person in or at a relevant indoor premises in a professional capacity, in the course of their employment, or in fulfilment of a contract for services, other than a class or classes of person,

[1] OJ No. L 211, 15.06.2021, p. 1

that the Minister may prescribe as being persons to whom this paragraph of this definition does not apply, or

(d) a person that stands, or a member of a class of persons that stand, prescribed by the Minister in regulations made under section 31AB(4);

'proof of immunity' means—

(a) an EU Digital Covid Certificate—

(i) issued under Article 6(1)(a) of the Digital Covid Certificate Regulation stating or verifying that the person has received a full dose of a vaccine approved for use in the European Union,

(ii) issued under Article 6(1)(c) of the Digital Covid Certificate Regulation, or

(iii) of a type prescribed by the Minister in regulations made under section 31AB(4),

(b) a document as may be prescribed, in written or electronic form, issued by a body implementing a vaccination programme (howsoever described) on behalf of a state (including the State) that administered or caused to be administered the vaccination to the person concerned, verifying, in relation to the person to whom the document is issued, that the person has received such vaccination, or combination of vaccinations, as may be prescribed, including—

(i) the medicinal product for active immunisation to prevent Covid-19 known as 'COVID-19 Vaccine Moderna CX-024414',

(ii) 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',

(iii) the medicinal product for active immunisation to prevent Covid-19 known as 'Comirnaty BNT162b2', and

(iv) the medicinal product for active immunisation to prevent Covid-19 known as 'COVID-19 Vaccine Janssen (Ad26. COV2-S [recombinant])',

or

(c) any form of written information or proof verifying, in such manner as may be prescribed, in relation to the person to whom the document is issued, that the person has recovered from Covid-19;

'relevant body' means—

(a) the Health Service Executive,

(b) the Health and Safety Authority, and

(c) such other body as may be prescribed;

'relevant indoor premises' means an indoor premises (or, where a premises is partly indoors and partly outdoors, the indoor part of such premises), other than a premises prescribed in regulations

under section 31AB(4)(e)(ii) as being a premises to which this definition does not apply—

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

(b) where a business or service that, but for this Act or any regulations made under this Act, is permitted by law to sell or supply intoxicating liquor for consumption on the premises, is lawfully carried on or otherwise provided, or

(c) such other indoor premises, or class of indoor premises, that stands prescribed by the Minister in regulations under section 31AB(4);",

(b) by the insertion of the following sections after section 9:

"Liability for offences by bodies corporate

9A. (1) Where an offence under this Act is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person shall, as well as the body corporate, be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Exercise of jurisdiction by District Court and Circuit Court under sections 31AB to 31AK

9B. (1) The jurisdiction of the District Court under sections 31AB to 31AK shall be exercised by a judge of the District Court for the time being assigned to the District Court district in which the relevant indoor premises are situate.

(2) The jurisdiction of the Circuit Court under sections 31AB to 31AK shall be exercised by a judge of the Circuit Court for the time being assigned to the circuit in which the relevant indoor premises are situate.

Service of documents

9C. (1) Subject to subsection (2) and other than in relation to Part VIII, a notice or other document that is required to be served on or given to a person by this Act shall be addressed to the person by name and may be so served on or given to the person in one of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides or carries on business or, in a case in which an address for service has been given, at that address;

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or carries on

business or, in a case in which an address for service has been given, to that address;

(d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice or document concerned of his or her consent to the notice or document (or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.

(2) A notice or other document that is required to be served on or given to an indoor operator by this Act shall, where the indoor operator concerned falls within the meaning of paragraph (b) of the definition of 'indoor operator', be addressed to every person entered in the register of clubs as an official or member of its committee of management or governing body at the material time by name and may be so served or given by leaving the notice or other document at the address of the premises to which the certificate of registration under the Registration of Clubs Acts 1904 to 2008 applies as entered in that register.

(3) For the purpose of this Act, a company registered under the Companies Act 2014 is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.",

and

(c) in section 31A—

(i) in subsection (6)(a), by the substitution of "subject to section 31AB, contravenes" for "contravenes", and

(ii) by the deletion of subsection (15).

PART 3

Amendments relating to quarantine in designated facilities

Amendment of section 38B of Act of 1947

5. Section 38B of the Act of 1947 is amended—

(a) in subsection (1)(b), by the substitution, in subparagraph (ii), of "a pre-travel test" for "a RT-PCR test",

(b) in subsection (2), by the substitution of "Subject to subsections (3A) and (4)" for "Subject to subsection (4)",

(c) in subsection (2)(a)(iii)—

(i) by the substitution, in clause (II), of "period," for "period, or",

(ii) by the substitution, in clause (III), of "consecutive days, or" for "consecutive days," and

(iii) by the insertion of the following clause after clause (III):

"(IV) where the registered medical practitioner is satisfied, having regard to all the circumstances, that the person no longer poses a risk to others of infection with Covid-

19 or the virus SARS-CoV-2, such earlier date, after the expiration of a period of 10 days commencing on the day the person is admitted to a designated facility, that the medical practitioner determines,",

(d) by the insertion of the following subsection after subsection (3):

"(3A) A person who is an applicable traveller by virtue of subsection (1)(b) shall not be required to quarantine at a designated facility where the circumstances prescribed in regulations made under section 38G(1)(de) exist in relation to the person.",

(e) in subsection (6), by the substitution of "a pre-travel test as defined in, and in accordance with the requirements of, any regulations made under this Act" for "a RT-PCR test in accordance with the requirements of any regulations",

(f) in subsection (9), by the substitution of "a pre-travel test as defined in, and in accordance with the requirements of, any regulations made under this Act" for "a RT-PCR test",

(g) in subsection (16)—

(i) by the substitution, in paragraph (f), of "was erroneous," for "was erroneous, or",

(ii) by the substitution in paragraph (g)(iv) of "a pre-travel test" for "a RT-PCR test",

(iii) by the substitution, in paragraph (g)(vi), of "is not detected, or" for "is not detected.", and

(iv) by the insertion of the following paragraph after paragraph (g):

"(h) he or she, being an applicable traveller by virtue of subsection (1)(b), is at the time of making the request a person in relation to whom the circumstances prescribed in regulations made under section 38G(1)(de) exist.",

(h) in subsection (17)(a), by the insertion of the following subparagraph after subparagraph (vii):

"(viii) in the case of a request made under paragraph (h) of that subsection and subject to subsection (18), the officer is satisfied that the circumstances referred to in that paragraph exist in relation to the person who made the request,",

(i) in subsection (18), by the substitution of "subsection (17)(a)(iv), (v), (vi) or (viii)" for "subsection (17)(a)(iv), (v) or (vi)", and

(j) in subsection (25)—

(i) by the substitution, in paragraph (e), of the definition of "exempted traveller", of "pre-travel test result in accordance with the requirements of any regulations made under this Act" for "RT-PCR test result", and

(ii) by the deletion, in the definition of "RT-PCR test", of ", other than in subsection (1)(b)(ii) and subsection (16)(g)(iv),".

Amendment of section 38G of Act of 1947

6. Section 38G(1) of the Act of 1947 is amended—

(a) by the substitution, in paragraph (c), of "provide for such" for "such", and

(b) by the insertion of the following paragraphs after paragraph (d):

"(dd) having regard to the advice of the Chief Medical Officer of the Department of Health, prescribe a test, the purpose of which is to detect Covid-19 or the virus SARS-CoV-2 in the person to whom it is administered, that may be used as an alternative to a RT-PCR test (within the meaning of section 38B(25)) for the purposes of such provisions of sections 38B to 38L and such regulations made under this Act as he or she may prescribe and in so prescribing, the Minister may, in relation to such a test—

(i) provide for the manner in which the test shall be administered,

(ii) prescribe a person as a person approved by the Minister to conduct the test, and

(iii) prescribe such fee (if any) to be paid by a person who takes the test,

(de) having regard to the advice of the Chief Medical Officer of the Department of Health, prescribe the circumstances in which a person who is an applicable traveller by virtue of section 38B(1)(b) shall not be required to quarantine at a designated facility and, without prejudice to the generality of the foregoing, may prescribe that such a person shall not be required to so quarantine where—

(i) the person presents himself or herself to a relevant person or a member of the Garda Síochána on his or her arrival in the State,

(ii) the person takes a test prescribed by, and in accordance with, regulations under paragraph (dd) on his or her arrival in the State,

(iii) the person pays such fee as may be prescribed for the test,

(iv) the person remains at such place as he or she may be directed to remain by a relevant person or a member of the Garda Síochána until the receipt of the result of the test, and

(v) the result of the test is that Covid-19 or the virus SARS-CoV-2 is not detected,".

Amendment of section 38K of Act of 1947

7. Section 38K(1) of the Act of 1947 is amended in paragraph (c)—

(a) by the substitution, in subparagraph (i), of "a pre-travel test as defined in, and in accordance with the requirements of, any regulations made under this Act" for "a RT-PCR test",

(b) by the substitution, in subparagraph (iv), of "test," for "test, and",

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

"(iva) recording whether or not an applicable traveller has taken a test prescribed by regulations under section 38G(1)(dd) in the State and, if so, the result of such test, and",

and

(d) by the substitution, in subparagraph (v), of "in accordance with section 38B and regulations under section 38G(1)(de)" for "in accordance with section 38B".

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HEALTH (AMENDMENT) (NO. 2) ACT 2021

REVISED

Updated to 10 January 2022

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.