

2021 No. 262

PUBLIC HEALTH

The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 6) Regulations (Northern Ireland) 2021

Made - - - - *21st September 2021*

Coming into operation -at 4.00 a.m. on 22nd September 2021

The Department of Health^(a) makes the following Regulations in exercise of the powers conferred by sections 25B and 25F(2) of the Public Health Act (Northern Ireland) 1967^(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 6) Regulations (Northern Ireland) 2021.

(2) Save as provided in paragraph (3), these Regulations come into operation at 4.00 a.m. on 22nd September 2021.

(3) Regulations 4 and 9 come into operation on 1st October 2021.

Amendment of the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021

2. The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021^(c) are amended in accordance with regulations 3 to 10.

3. In regulation 2(1) (interpretation), after the definition of “coronavirus disease” insert—

““cruise ship” means a vessel, certified to carry more than 200 passengers, engaged on a voyage primarily for leisure or recreation during which passengers stay overnight on board for at least two nights;”.

Amendment of regulation 4

4. In regulation 4 (Requirement to provide information), after paragraph 6 insert—

“(6A) A person described in paragraph (1), (3) or (4) is treated as having complied with those paragraphs (as applicable) if they provide the specified passenger information on the Passenger Locator Form—

(a) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), s. 1(5)

(b) 1967 c. 36 (N.I.). Part 1A was inserted by section 48 of, and Schedule 18 to, the Coronavirus Act 2020 (c. 7)

(c) S.R. 2021 No. 99 as amended by S.R. 2021 Nos. 108, 121, 132, 154, 189, 213, 214, 218, 225, 230 and 241

- (a) in the case of a person arriving in Northern Ireland on a cruise ship, in the 21 days before they are required to provide the information, or
- (b) in any other case, in the 48 hours before they are required to provide the information.”.

Amendment of regulation 24

5. In regulation 24 (Reasonable excuses: contravention of regulation 6)—

- (a) In paragraph (g), for “.” substitute “;”;
- (b) after paragraph (g) insert—
 - “(h) a person undertook a qualifying test on board the cruise ship on which that person arrived in Northern Ireland, the result of that test was positive, and it was not reasonably practicable for that person to disembark in a country or territory other than Northern Ireland.”.

Amendment of Schedule 1

6. In Schedule 1 (Red list countries), omit “Bangladesh”, “Egypt”, “Kenya”, “Oman”, “Pakistan”, “Sri Lanka”, “The Maldives” and “Turkey”.

Amendment of Schedule 2B

7. In Schedule 2B (Criteria to be a fully vaccinated amber list arrival)—

- (a) after paragraph 7 insert—
 - “7A. For the purposes of paragraph 2, where P has received a dose of one authorised vaccine and a dose of a different authorised vaccine, P is deemed to have completed a course of doses of an authorised vaccine.”.
- (b) after paragraph 8 insert—
 - “8A. For the purposes of paragraph 6, where P has received a dose of one vaccine under the United Kingdom vaccine roll-out overseas, and a dose of a different vaccine under the United Kingdom vaccine roll-out overseas, P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.”.

Amendment of Schedule 4

8. In Schedule 4 (Persons who are exempt)—

- (a) in Part 1 (Persons who are exempt), in the table, after entry 41 insert the following entries—

“42. A non-disembarking cruise passenger	Exempt	Exempt	Exempt	Exempt	Exempt
43. A short stay cruise passenger	Not Exempt	Not Exempt	Exempt	Not Exempt	Not Exempt”

- (b) in Part 2 (Definitions of persons who are exempt, conditions, limitations of exemption and savings), after paragraph 69 insert—

“42. A non-disembarking cruise passenger

70. A person, including a crew member, who travels to a port in Northern Ireland on a cruise ship but does not disembark from the cruise ship at any point while it is—

- (a) moored at a port in Northern Ireland, or
- (b) in the territorial waters adjacent to Northern Ireland.”

43. A short stay cruise passenger

71. A person who—

- (a) arrives in Northern Ireland on a cruise ship, and
- (b) is due to depart from Northern Ireland on the same cruise ship within 48 hours of their arrival.”.

Amendment of Schedule 6

9. In Schedule 6 (Requirement to book and undertake tests (mandatory testing after arrival in Northern Ireland))—

- (a) in paragraph 1(1)—
 - (i) omit the definition of “Public Health England”;
 - (ii) after the definition of “relevant isolation provisions” insert—

“the United Kingdom Health Security Agency” means the executive agency of that name of the Department of Health and Social Care;”;
- (b) in paragraph 2(3), for “Subject to sub-paragraph (3)” substitute “Subject to sub-paragraph (2)”.
- (c) in paragraph 8(5) omit “the test is booked,”;
- (d) in paragraph 9(4) for “Public Health England” substitute “the United Kingdom Health Security Agency”.

Amendment of Schedule 8

10. In Schedule 8 (Prohibition on arrival of aircraft and vessels)—

- (a) in paragraph 1 for “Turkey” substitute “No countries or territories are specified in this paragraph”;
- (b) in paragraph 2 for “Turkey” substitute “No countries or territories are specified in this paragraph”.

Amendment of the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021

11.—(1) The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021(a) are amended as follows.

(2) For regulation 8(4) (offences) substitute—

“(4) In relation to the offence in paragraph (1)(b), it is a defence for an operator to show that—

- (a) the relevant passenger presented a document purporting to be a required notification which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not a required notification, or
- (b) the relevant passenger undertook a qualifying test on board the vessel on which the relevant passenger arrived in Northern Ireland, the result of that test was positive, and it was not reasonably practicable for the relevant passenger to disembark in a country or territory other than Northern Ireland.”.

(a) S.R. 2021 No. 102 as amended by S.R. 2021 Nos 189, 213, 214, 225 and 230

Sealed with the Official Seal of the Department of Health on 21st September 2021

(L.S.)

Dr Lourda Geoghegan
A senior officer of the Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021 (S.R. 2021 No. 99) (“the International Travel Regulations”) and the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021 (S.R. 2021 No. 102).

Regulation 3 amends regulation 2 (Interpretation) of the International Travel Regulations to include a definition of “cruise ship”.

Regulation 4 amends regulation 4 (Requirement to provide information) of the International Travel Regulations to allow cruise ship passengers to submit their Passenger Locator Form up to 21 days before arrival.

Regulations 5 amends regulation 24 (Reasonable excuses: contravention of regulation 6) of the International Travel Regulations to include a reasonable excuse for a person who undertook a qualifying pre-departure test on board the cruise ship on which that person arrived in Northern Ireland, the result of that test was positive, and it was not reasonably practicable for that person to disembark in a country or territory other than Northern Ireland.

Regulation 6 amends Schedule 1 (Red list countries) to the International Travel Regulations to omit Bangladesh, Egypt, Kenya, Oman, Pakistan, Sri Lanka, The Maldives and Turkey.

Regulation 7 amends Schedule 2B (Criteria to be a fully vaccinated amber list arrival) to the International Travel Regulations to include within the criteria people who receive a course of doses comprising two different authorised vaccines.

Regulation 8 amends Schedule 4 (Persons who are exempt) to the International Travel Regulations to include exemptions for non dis-embarking cruise passengers and short stay cruise passengers.

Regulation 9 amends Schedule 6 (Requirement to book and undertake tests (mandatory testing after arrival in Northern Ireland)) to the International Travel Regulations in consequence of the dissolution of Public Health England, an executive agency of the Department for Health and Social Care, and the establishment of the United Kingdom Health Security Agency, also an executive agency of the Department for Health and Social Care. It also corrects two drafting errors.

Regulation 10 amends Schedule 8 (Prohibition on arrival of aircraft and vessels) to the International Travel Regulations to omit Turkey from the lists in paragraphs 1 and 2, as Turkey is omitted from Schedule 1.

Regulation 11 amends regulation 8 of the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021 to include a defence for an operator where the relevant passenger undertook a qualifying test on board the vessel on which the relevant passenger arrived in Northern Ireland, the result of that test was positive, and it was not reasonably practicable for the relevant passenger to disembark in a country or territory other than Northern Ireland.

No impact assessment has been prepared for these Regulations.

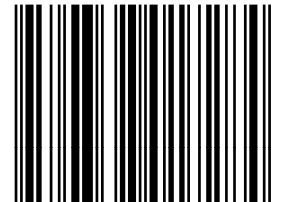
© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.90

<http://www.legislation.gov.uk/id/misr/2021/262>

ISBN 978-0-33-801728-4



9 780338 017284