

## 2021 No. 323

### PUBLIC HEALTH

#### The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 11) Regulations (Northern Ireland) 2021

*Made* - - - - *6th December 2021*

*Coming into operation in accordance with regulation 1(2)*

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

#### **Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 11) Regulations (Northern Ireland) 2021.

(2) These Regulations come into operation at 4.00 a.m. on 7th December 2021.

(3) An amendment made by these Regulations does not apply in relation to a person arriving in Northern Ireland before the coming into operation of the provision containing the amendment.

(4) In these Regulations—

(a) “the principal Regulations” means the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021<sup>(c)</sup>;

(b) “the Operator Liability Regulations” means the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021<sup>(d)</sup>.

#### **Amendment of the principal Regulations**

**2.** The principal Regulations are amended in accordance with regulations 3 to 7.

#### **Amendment of regulation 3**

**3.** In regulation 3(3) (interpretation: (red list and non-red list countries and arrivals)), after “these Regulations” insert “, except where they otherwise provide,”.

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(a) 2016 c.5 (N.I.), s. 1(5)

(b) 1967 c.36 (N.I.)

(c) S.R. 2021 No. 99 as amended by S.R. Nos. 108, 121, 132, 154, 189, 213, 214, 218, 225, 230, 241, 262, 278, 282, 284 and 293, 312, 313, 316 and 322

(d) S.R. 2021 No. 102 as amended by S.R. 2021 Nos. 189, 213, 214, 225, 230, 262, 278, 282, 301 and 316

#### **Amendment of regulation 4**

4. In regulation 4 (requirement to provide information), for paragraph (5) substitute—  
“(5) The passenger information must be provided in the 48 hours before arrival.”

#### **Amendment of regulation 6**

5.—(1) Regulation 6 (requirement to possess notification of negative test result) is amended as follows.

- (2) In paragraph (1)—
- (a) at the end of sub-paragraph (a), omit “or”;
  - (b) at the end of sub-paragraph (aa)—
    - (i) insert “,or”;
    - (ii) after “or” insert—  
“(ab) an eligible non-red list arrival,”
- (3) In paragraph (2), for “11” substitute “12”.
- (4) In paragraph (4), for “11” substitute “12”.

#### **Amendment of regulation 19**

- 6.—(1) Regulation 19 (enforcement of requirement to isolate) is amended as follows.
- (2) In paragraphs (4) and (5), omit “who has arrived in Northern Ireland from a red list country”.

#### **Amendment of Schedule 5**

7. In Schedule 5 (Qualifying test) —
- (a) in paragraph 1(c)—
    - (i) for “three” substitute “two”;
    - (ii) in head (i), for “service, the service’s scheduled time of departure” substitute—  
“service that—
      - (aa) does not involve the person transiting through a country or territory outside the common travel area, the service’s scheduled time of departure;
      - (bb) involves the person transiting through a country or territory outside the common travel area, the scheduled time of departure of the first part of the service”;
  - (b) after paragraph 1 insert—  
“1A. For the purposes of paragraph 1, a person transits through a country or territory if they arrive in that country or territory for the sole purpose of continuing a journey to Northern Ireland—
    - (a) on a conveyance other than the conveyance on which they arrived, or
    - (b) on the same conveyance, having temporarily disembarked from it.”.

#### **Amendment of the Operator Liability Regulations**

8. The Operator Liability Regulations are amended in accordance with regulations 9 and 10.

#### **Amendment of regulation 3**

9. In regulation 3 (requirement to ensure passengers have completed a Passenger Locator Form), in paragraph (1)(b), for “principal Regulations” substitute “International Travel Regulations”.

## Amendment of Schedule

10.—(1) Part 1 of the Schedule is amended as follows—

(2) Immediately before the sentence which begins “Fill in your Passenger Locator Form up to 48 hours before arrival.” insert—

“All persons (including UK nationals and residents) arriving in the UK from outside the CTA must provide proof of a negative COVID-19 test taken within 2 days of departure to the UK. For further information please visit: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-travelling-northern-ireland-non-red-list-country>.”.

(3) Under the heading “Red list passengers (including passengers who are fully vaccinated)”—

- (a) omit paragraph 1;
- (b) renumber paragraph 2 as paragraph 1;
- (c) renumber paragraph 3 as paragraph 2.

(4) Under heading “Unvaccinated passengers or passengers vaccinated with unauthorised vaccines”—

- (a) omit paragraph 1;
- (b) for paragraph 2 substitute—

“1. Book PCR tests to take on or before day 2 and on or after day 8.”;

- (c) renumber paragraph 3 as paragraph 2;
- (d) renumber paragraph 4 as paragraph 3;

(5) Under the heading “Fully vaccinated passengers”, for paragraph 1 substitute—

“1. Book a PCR test to take on or before day 2.”.

Sealed with the Official Seal of the Department of Health on 6th December 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 (“the principal Regulations”) and the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021 (“the Operator Liability Regulations”).

Regulation 4 amends the principal Regulations to the effect that the passenger location form must be completed 48 hours before arrival in Northern Ireland.

Regulation 5 amends the principal Regulations to require an eligible non-red list arrival in Northern Ireland to have, and produce, evidence of a negative test result and to apply that requirement to children over the age of 12.

Regulation 6 amends the principal Regulations to provide that enforcement of self-isolation can apply to children who fail to comply with the self-isolation rules irrespective of whether they have arrived from a red list or non-red list country.

Regulation 7 amends Schedule 5 so as to require, where person arriving in Northern Ireland requires valid notification of a negative result from a qualifying test for the detection of coronavirus, that the sample taken for the purposes of the test is taken no more than two (rather than three) days before the commercial transport service on which the person travels to Northern Ireland is due to, or (as the case may be) actually, departs.

Regulation 9 amends the definition of the principal Regulations for the purposes of the Operator Liability Regulations.

Regulation 10 amends the Schedule to the Operator liability Regulations update the information which operators must provide to passengers arriving in Northern Ireland.

These Regulations make further minor amendments to the principal Regulations.

No impact assessment has been prepared for these Regulations.

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