

2022 No. 3

PUBLIC HEALTH

**The Health Protection (Coronavirus, International Travel,
Operator Liability and Information to Passengers) (Amendment)
Regulations (Northern Ireland) 2022**

Made - - - - *7th January 2022*

*Coming into operation in accordance with regulation 1(2),
(3) and (4)*

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) Regulations (Northern Ireland) 2022.

(2) Regulation 5 and 6 come into operation at 4.00 a.m. on 9th January 2022.

(3) Regulation 9 comes into operation at 4.00 a.m. on 10th January 2022.

(4) The other provisions of these Regulations come into operation at 4.00 a.m. on 7th January 2022.

(5) 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.

Interpretation

2. In these Regulations—

(a) “the principal Regulations” means the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021^(c).

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

Amendment of the principal Regulations

3. The principal Regulations are amended in accordance with regulations 4 to 9.

(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. 2021 Nos. 108, 121, 132, 154, 189, 213, 214, 218, 225, 230, 241, 262, 278, 282, 284, 293, 301, 312, 313, 316, 322, 323, 340 and 343

(d) S.R. 2021 No. 102 as amended by S.R. 2021 Nos. 189, 213, 214, 225, 230, 262, 278, 282, 301, 316 and 323

Removal of requirement for eligible non-red list arrival to possess negative test

4. In regulation 6 (requirement to possess notification of negative test result), omit paragraph (1)(ab).

Modification of requirement for eligible non-red list arrival to book and undertake day 2 test

5. In regulation 8 (requirement to book and undertake tests), in paragraph (9) for “(including isolating if a test generates a positive result)” substitute “(including isolating on failure to undertake a test, or if a test generates a positive or inconclusive result)”.

6.—(1) Schedule 6 (requirement to book and undertake tests (mandatory testing after arrival in Northern Ireland)) is amended as follows.

(2) In paragraph 1(1)—

(a) omit the definitions of—

(i) “approved private provider”,

(ii) “approved private test”, and

(iii) “default isolation period”,

(b) insert in the appropriate place in alphabetical order—

““private provider” means a test provider other than a public provider”,

(c) in the definition of “relevant isolation provisions”, in paragraph (a), at the end insert “, but as if the person was a non-eligible non-red list arrival”.

(3) After paragraph 1(1) insert—

“(1A) For the purposes of this Schedule, —

(a) a LFD test is a test which satisfies the requirements of paragraph 7A(2) of Schedule 8 to the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021(a) (general requirements for lateral flow tests),

(b) a PCR test is a test which satisfies the requirements of paragraph 6(2) of Schedule 8 to the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 (general requirements for polymerase chain reaction tests).”.

(4) In paragraph 3(3) for “P must remain in isolation” substitute “P must enter into and remain in isolation”,

(5) In paragraph 4(4)(a) and 4(5)(b)(i) for “default isolation period” substitute “the 10th day after the day on which P arrived in the common travel area”.

(6) In paragraph 5—

(a) in sub-paragraph (2)(a) for “P must remain in isolation” substitute “P must enter into and remain in isolation”,

(b) in sub-paragraphs (4) and (4A) for “P must remain in isolation” substitute “P must enter into and remain in isolation, in accordance with the relevant isolation provisions”,

(c) after sub-paragraph (5) insert—

“(6) Where P is obliged to enter into and remain in isolation under sub-paragraphs (4) or (4A), P may not leave Northern Ireland during this time, and accordingly, regulation 11(4)(a) (as applied by paragraph 11) does not apply.”.

(7) After paragraph 5, insert—

(a) S.I. 2021/582

“Confirmatory PCR test for eligible non-red list arrivals following the original day 2 LFD test result

5A.—(1) This paragraph applies in respect of eligible non-red list arrivals who have undertaken a day 2 test which is a LFD test, and which has generated—

- (a) a positive result, or
- (b) an inconclusive result.

(2) Where the mandatory test has generated a positive result, P must undertake a confirmatory PCR test.

(3) Where the mandatory test has generated an inconclusive result, P may undertake a confirmatory PCR test.

(4) Where the confirmatory PCR test generates a negative result, P is no longer required to remain in isolation, and accordingly—

- (a) paragraph 5(2) (in a case where the original result was positive),
- (b) paragraph 5(4) (in a case where the original result was inconclusive),

cease to apply in respect of P.

(5) Where the confirmatory PCR test generates a positive result, P must remain in isolation in accordance with—

- (a) paragraph 5(2) (in a case where the original result was positive),
- (b) paragraph 5(4) (in a case where the original result was inconclusive),

(6) Where the confirmatory PCR test generates an inconclusive result, P must remain in isolation in accordance with—

- (a) paragraph 5(2) (in a case where the original result was positive),
- (b) paragraph 5(4) (in a case where the original result was inconclusive).”.

(8) For paragraph 6, substitute—

“Day 2 tests: general requirements

6.—(1) For the purposes of regulation 8(11), a day 2 test complies with this paragraph where—

- (a) it is a test provided by—
 - (i) a public provider, or
 - (ii) a private provider, and
- (b) it is a PCR test, or in the case of an eligible non-red list arrival, a LFD test.

(2) Where a LFD test may only be provided by a private provider, sub-paragraph (1) is not satisfied unless the requirements of paragraph 7B of Schedule 8 to the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 (private provider requirements for LFD tests) have been complied with.

(3) Where a PCR test has been provided by a private provider, sub-paragraph (1) is not satisfied unless the requirements of paragraph 7 of Schedule 8 to the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 (private provider requirements for PCR tests) have been complied with.”.

(9) In paragraph 7(b) for “an approved test provided by an approved private provider” substitute “a test provided by a private provider”.

(10) In paragraph 8—

- (a) in sub-paragraph (3), for “paragraph (4)” substitute “sub-paragraph (4)”,
- (b) in sub-paragraph (3)(c)(i) for “they intend to self-isolate, or are self-isolating, in accordance with regulations 10 to 13” substitute “they intend to stay during the period of 10 days beginning on the day after the date of their arrival in the United Kingdom”,

- (c) after subparagraph (3) insert—
 - “(3C) Subject to subparagraph (4), where—
 - (a) P’s day 2 test is a LFD test, and
 - (b) the test has not been administered—
 - (i) by the test provider, or
 - (ii) at a site operated for the purpose of administering such tests by or on behalf of the test provider,

P provides the test provider with the information set out sub-paragraph (3D) within 15 minutes of the test’s read time as determined by the manufacturer’s instructions for use.

(3D) The information to be provided where a day 2 LFD test is undertaken in the circumstances of the test’s read time as described in sub-paragraph (3C) is—

- (a) a single photograph clearly showing—
 - (i) the test device in such a way that it is identifiable as having been provided by the test provider,
 - (ii) the test reference number given in accordance with paragraph 8(5), and
 - (iii) the test result, and
- (b) the address at which P is able to receive a confirmatory PCR test.”.

(11) In paragraph 9—

- (a) for the heading substitute “Notification of test results: PCR tests”,
- (b) in subparagraph (1)—
 - (i) for “an approved private provider” substitute “a private provider”,
 - (ii) after “test” insert “, other than a day 2 LFD test,”,
- (c) in subparagraph (2) omit “approved”.

(12) After paragraph 9 insert—

“Notification of test results: lateral flow device tests

9A.—(1) This paragraph applies to a private provider who administers or provides a day 2 LFD test to P in the circumstances described in paragraph 8.

- (2) The private provider must, within 24 hours of the relevant event—
 - (a) notify P or, where paragraph 8(4) applies, Y by email, letter, or text message, of the result of P’s test, or
 - (b) make P’s test result available to P, or where paragraph 8(4) applies, to Y via a secure web portal,

in accordance with sub-paragraph (4).

- (3) In sub-paragraph (2), “relevant event” means—
 - (a) where the test provider administered the test, the time at which the test provider determined the results of the test,
 - (b) where the test provider did not administer the test, the time at which the test provider received the information required to be provided by paragraph 8(3C).

(4) The notification of P’s test result must include P’s name, date of birth, passport number, or travel document reference number (as appropriate), the name and contact details of the test provider and P’s test reference number, and must be conveyed using one of the following forms of words, as appropriate—

Form A: negative LFD test result

Your coronavirus (COVID-19) test result is negative. You did not have the virus when the test was done.

You are not required to quarantine.

You should self-isolate again if you get symptoms of coronavirus (COVID-19) – get an NHS coronavirus (COVID-19) test from www.gov.uk/get-coronavirus-test and self-isolate until you get the results.

For advice on when you might need to self-isolate and what to do, go to www.nhs.uk/conditions/coronavirus-covid-19 and read ‘Self-isolation and treating symptoms’.

Form B: positive LFD test result

Your coronavirus test result is positive. This means that you probably have the virus.

Even if you have not had symptoms of coronavirus, you must now self-isolate for 10 days from the day after your test date.

You must obtain, take and return a free follow up PCR test from NHS Test and Trace to confirm this. You can obtain your confirmatory PCR test by visiting gov.uk/get-coronavirus-test or by calling 119. This test will be free of charge and will be sent to you as a home test kit. You must take this test in accordance with this notice. If this confirmatory test is negative, you no longer need to self-isolate.

You may be contacted for contact tracing and to check that you, and those who you live or are travelling with, are self-isolating.

You must not travel, including to leave the UK, during self-isolation.

Contact 111 if you need medical help. In an emergency dial 999.

Form C: unclear LFD test result

Your coronavirus test result is unclear. It is not possible to say if you had the virus when the test was done.

You must self-isolate for 10 days from the day after your test date.

You may choose to take another test, and if it comes back with a negative result, you no longer need to self-isolate. You may be contacted to check that you are self-isolating.”.

(13) After paragraph 10 insert—

“Modification of self-isolation provisions for eligible non-red list arrivals with a positive test result

11.—(1) This paragraph applies where an eligible non-red list arrival (P) is obliged, under paragraph 3(3), paragraph 5(2), (4) or (4A) to enter into and remain in self-isolation.

(2) Regulations 10 to 13 apply to P as they apply to non-eligible non-red list arrivals, with the modification that regulation 10(3) applies as if it required P to travel directly to the place where they are to self-isolate without specifying the period for which they must self-isolate.”.

(14) For paragraph 12 substitute—

“Private providers

12. The Secretary of State for Health and Social Care has published details of private providers at <https://www.gov.uk/government/publications/list-of-private-providers-of-coronavirus-testing/list-of-private-providers-of-coronavirus-testing>”.

Enforcement and information sharing of new requirements for eligible non-red list arrivals to book and undertake day 2 test

7.—(1) In regulation 23(1), after sub-paragraph (c) insert—

“(caa)without reasonable excuse contravenes a requirement in paragraph 5A(2) of Schedule 6,”.

(2) After regulation 25, insert—

“Reasonable excuses: contravention of paragraph 5A(2) of Schedule 6

25AA. For the purposes of regulation 23(1)(caa), reasonable excuses for contravening paragraph 5A(2) of Schedule 6 include, in particular, where—

- (a) it is not reasonably practicable for a person to undertake a test due to a disability,
- (b) a person requires medical treatment with such urgency that undertaking a test is not reasonably practicable,
- (c) a test is cancelled for reasons beyond the person’s control,
- (d) the person sought the test, but the test did not arrive.”.

(3) In regulation 27—

(a) at the end of paragraph (14) insert—

“(f) in the case of a fixed penalty notice issued in respect of a failure to undertake a test in accordance with paragraph 5A(2) of Schedule 6, £1,000,

(g) in the case of the second fixed penalty notice issued in respect of a failure to undertake a test in accordance with paragraph 5A(2) of Schedule 6, £2,000.”.

(b) in paragraph (15) after “regulation 23(1)(c)” insert “or regulation 23(1)(caa)”.

(4) In regulation 34(2)—

(a) in sub-paragraph (d) after “paragraph (3)” insert “, (3C), (3D)”,

(b) in sub-paragraph (f) after “under regulation 8 has been sequenced” insert “a sample taken under a confirmatory PCR test under paragraph 5A of Schedule 6 has been sequenced, “.

Removal of requirement for eligible non-red list arrival to self-isolate

8. In regulation 10 (requirement to self-isolate)—

- (a) omit paragraph (1)(b),
- (b) omit paragraph (3)(a)(ii).

Updates to authorised vaccine and relevant countries lists

9.—(1) In paragraph 10 of Schedule 2B (criteria to be an eligible arrival), in the definition of “authorised vaccine”, in sub-paragraph (c)(ii)—

- (a) for “10, 11 or 13” substitute “10, 11, 12, 13 or 14”,
- (b) for “11th November” substitute “23rd December”(a).

(2) In the list in paragraph 12 of Schedule 2B (countries and territories) insert entries at the appropriate places for—

“Bhutan

Cameroon

(a) The date refers to the day on which the relevant version of the Guidance Document “Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process” was published. A copy of the relevant version may be downloaded from https://extranet.who.int/pqweb/sites/default/files/documents/Status_COVID_VAX_23Dec2021.pdf. A hard copy may be obtained from the Department of Health and Social Care, 39 Victoria Street, London, SW1H 0EU.

Côte d’Ivoire
Cyprus, northern
Fiji
Iraq
Liberia
Mali
Mauritania
Niger
Palau
Papua New Guinea
Paraguay
Solomon Islands
The Gambia
Uzbekistan”

Amendment of the Operator Liability Regulations

10.—(1) The Schedule to the Operator Liability Regulations is amended in accordance with this regulation.

(2) For Part 1, substitute—

“Part 1

Required information to enter Northern Ireland from overseas

All persons arriving in the UK must fill in a Passenger Locator Form up to 48 hours before arrival. You must declare all countries you have visited in the 10 days before arrival.

Before departure check if any of the countries you have visited are on the red list.

If you have visited a country on the red list you must book a managed isolation package.

You can only enter if you are a British or Irish National, or you have residence rights in the UK. You must enter through a designated port of arrival and isolate in a government approved hotel for 10 days.

If you have not visited any countries on the red list, check if you qualify as fully vaccinated.

If you qualify as fully vaccinated you must book a test to take on or before day 2.

If you do not qualify as fully vaccinated you must:

- provide proof of a negative COVID-19 test taken within 2 days of departure to the UK,
- make plans to self-isolate in private accommodation for 10 full days after arrival (or full duration of stay if less than 10 days), and
- book tests to take on day 2 and day 8 of self-isolation.

These measures apply to all persons (including UK nationals and residents) arriving in the UK from outside the Common Travel Area comprising the United Kingdom, Ireland, the Isle of Man, and the Channel Islands. The British Overseas Territories are not in the

Common Travel Area. Public health requirements may vary depending upon which nation of the UK you are staying in.

England: <https://www.gov.uk/uk-border-control>

Northern Ireland: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-international-travel-advice>

Scotland: <https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine>

Wales: <https://gov.wales/arriving-wales-overseas>

Failure to comply with these measures is a criminal offence and you could be fined. There are a limited set of exemptions from these measures. You may be fined if you fraudulently claim an exemption.”.

(3) For Part 2 substitute—

“Part 2

Onboard announcement

The following is a public health message on behalf of the UK’s public health agencies.

If you are fully vaccinated or otherwise meet the eligibility criteria, you must take a test on or before day 2 after you arrive.

If you are not fully vaccinated or do not meet the eligibility criteria, you must self-isolate for 10 days and take a test on day 2 and day 8 after you arrive.

If you have been in any countries on the red list within the previous 10 days, you must quarantine in a managed quarantine facility for 10 days.

The symptoms of coronavirus are a new continuous cough, a high temperature or a loss of, or change in, normal sense of taste or smell. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew.

Please follow the Public Health guidance for the area you are living or travelling in.

Visit [gov.uk/coronavirus](https://www.gov.uk/coronavirus) for more advice”

Sealed with the Official Seal of the Department of Health on 7th January 2022

(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 and The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021.

The main changes made by these Regulations are to the rules that apply to eligible non-red list arrivals, i.e. those arrivals to Northern Ireland who are fully vaccinated upon arrival.

Regulation 4 removes the requirement for these people to have a negative test result before they arrive in Northern Ireland.

Regulations 5 and 6 change the rules on booking a covid test before arrival in Northern Ireland for these people. They must have booked a day 2 test before they arrive in Northern Ireland. That test can be a lateral flow test. If that test is negative, there are no further restrictions upon them. However, if the test is positive or inconclusive, they must self-isolate for 10 days. If the test is positive, they must also take a further PCR test. If the test is inconclusive, they may take a further

PCR test. If the further PCR test is negative, they can leave self-isolation with no further restrictions.

Regulation 7 supplements the enforcement and information sharing regime to ensure that there are powers to deal with those who do not comply with these rule changes.

Regulation 8 changes the rules on self-isolation for these people. There is no obligation to self-isolate upon arrival. But this is subject to the rules in regulations 5 and 6 on what happens if they get a positive result on their day 2 test.

Regulation 9 updates the list of recognised vaccines and countries.

Regulation 10 updates the information that must be given to passengers travelling to Northern Ireland.

No impact assessment has been prepared for these Regulations.

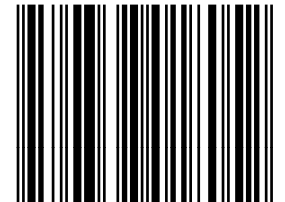
© Crown copyright 2022

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.

£6.90

<http://www.legislation.gov.uk/id/misr/2022/3>

ISBN 978-0-33-801805-2



9 780338 018052