

2020 No. 215

PUBLIC HEALTH

**The Health Protection (Coronavirus, Public Health Advice for
Persons Travelling to Northern Ireland) (No. 2) Regulations
(Northern Ireland) 2020**

Made - - - - *9th October 2020*

Coming into operation - *31st October 2020*

The Department of Health^(a) makes the following Regulations in exercise of the powers conferred by sections 25B(1)(a) and (2)(e) and (g), and 25F(2) of the Public Health Act (Northern Ireland) 1967^(b)

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) (No. 2) Regulations (Northern Ireland) 2020 and shall come into operation on 31st October 2020.

2. In these Regulations—

“common travel area” has the meaning given in section 1(3) of the Immigration Act 1971^(c);

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus);

“the information requirement” means the requirement in regulation 3(1);

“operator” means operator of a relevant service;

“port” means any port (including a seaport, airport or heliport) in Northern Ireland;

“relevant service” means a commercial transport service on which passengers travel to Northern Ireland from outside the common travel area on a vessel or aircraft;

“vessel” means any vessel which is 24 metres or more in length.

Requirement to provide information at certain times

3.—(1) Subject to the following provisions of this regulation, an operator must ensure that a passenger who arrives at a port on a relevant service has been provided with the required information contained in the appropriate Part of the Schedule, in the required manner specified in Regulation 4, at each of the times specified in paragraph (2).

(2) The times are—

^(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) 1971 c. 77

- (a) where prior to departure a booking was made for the passenger to travel on the relevant service, before the booking was made;
- (b) where, at least 48 hours prior to the scheduled departure time of the relevant service, a booking was made for the passenger to travel on it, between 24 and 48 hours prior to the scheduled departure time of that service;
- (c) where prior to departure the passenger was checked in to travel on the relevant service, at the time of check-in;
- (d) while the passenger was on board the vessel or aircraft.

(3) If another person (A) made the booking on behalf of the passenger (whether or not A is also a passenger on the relevant service), the information requirement is to be treated as complied with, as regards the time set out in paragraph (2)(a), if the required information was provided to A in the required manner before the booking was made, along with a written request that A provide that information to the passenger unless A considers that, by virtue of age or mental capacity, the passenger is unlikely to be capable of understanding it.

(4) If another person (B) made the booking on behalf of the passenger (whether or not B is also a passenger on the relevant service), the information requirement is to be treated as complied with, as regards the time set out in paragraph (2)(b), if the required information was provided to B in the required manner between 24 and 48 hours prior to the scheduled departure time of the relevant service, along with a written request that B provide that information to the passenger unless B considers that, by virtue of age or mental capacity, the passenger is unlikely to be capable of understanding it.

(5) If another person (C) checked in on behalf of the passenger (whether or not C is also a passenger on the relevant service), the information requirement is to be treated as complied with, as regards the time set out in paragraph (2)(c), if the required information was provided to C in the required manner at the time of check-in, along with a written request that C provide that information to the passenger unless C considers that, by virtue of age or mental capacity, the passenger is unlikely to be capable of understanding it.

(6) An operator who fails to comply with the information requirement is guilty of an offence.

(7) An offence under paragraph (6) is punishable on summary conviction by a fine not exceeding £10,000.

(8) In relation to the requirement to provide the required information at the time set out in paragraph (2)(a) to (c), it is a defence for the purposes of paragraph (6) if the operator can demonstrate that—

- (a) the booking or check-in process was not managed directly by the operator; and
- (b) the operator took reasonable steps to ensure that the person managing the process would provide the required information at that time and in the required manner.

Requirement to provide information in certain manner

4.—(1) For the purposes of regulation 3(2)(a), the required information—

- (a) in the case of online bookings—
 - (i) must be displayed prominently on an operator’s website or mobile application, and
 - (ii) is the information specified in Part 1 of the Schedule and a hyperlink to each of the relevant websites,
- (b) in the case of telephone bookings—
 - (i) must be provided orally, and
 - (ii) is the information specified in Part 1 of the Schedule,
- (c) in the case of in-person bookings—
 - (i) must be provided orally or in writing,
 - (ii) where provided orally, is the information specified in Part 1 of the Schedule,

- (iii) where provided in writing, is a written notice which informs passengers of the requirements to provide information and to self-isolate in regulations 3 and 4 of the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020 (“the International Travel Regulations”)(a).
- (2) For the purposes of regulation 3(2)(b), the required information—
 - (a) must be provided by text message, push notification, email or orally,
 - (b) where provided by text message or push notification, is text which—
 - (i) informs passengers of the requirements to provide information in regulation 3 of the International Travel Regulations and that penalties apply for failure to comply with those requirements,
 - (ii) includes a hyperlink to <https://www.gov.uk/provide-journey-contact-details-before-travel-uk>, and
 - (iii) if the relevant service is one on which passengers are allocated seat numbers, advises passengers to provide their seat number on the Passenger Locator Form,
 - (c) where provided by email, is the information specified in Part 1 of the Schedule and a hyperlink to each of the relevant websites,
 - (d) where provided orally, is the information specified in Part 1 of the Schedule.
- (3) For the purposes of regulation 3(2)(c)—
 - (a) in relation to digital check-in, the required information—
 - (i) must be displayed prominently on an operator’s website or mobile application,
 - (ii) must be provided before a boarding card is issued, and
 - (iii) is the information specified in Part 1 of the Schedule and a hyperlink to each of the relevant websites,
 - (b) in relation to in-person check-in, the required information—
 - (i) must be provided orally or in writing,
 - (ii) where provided orally, is the information specified in Part 1 of the Schedule,
 - (iii) where provided in writing, is a written notice which informs passengers of the requirements to provide information and to self-isolate in regulations 3 and 4 of the International Travel Regulations.
- (4) For the purposes of regulation 3(2)(d), the required information—
 - (a) must be provided orally before passengers disembark in Northern Ireland,
 - (b) must be provided in English and an officially recognised language of the country of departure if English is not such a language, and
 - (c) is the information specified at Part 2 of the Schedule.
- (5) In this regulation—
 - “Passenger Locator Form” has the meaning given in regulation 2 of the International Travel Regulations;
 - “the relevant websites” means—
 - (a) for the purposes of paragraph (1)(a)(ii)—
 - (i) <https://www.gov.uk/provide-journey-contact-details-before-travel-uk>, and
 - (ii) <https://www.gov.uk/uk-border-control>.
 - (b) for the purposes of paragraphs (2)(c) and (3)(a)(iii)—
 - (i) <https://www.gov.uk/provide-journey-contact-details-before-travel-uk>,

(a) S.R. 2020 No. 90 as amended by S.R. 2020 nos. 138, 140, 154, 155, 163, 168, 179, 185, 189, 193, 194, 200, 203 and 212

- (ii) <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-countries-and-territories-exemptions>, and
- (iii) <https://www.gov.uk/uk-border-control>.

Review

5.—(1) The Department of Health must review the need for the requirements imposed by these Regulations at least once every 28 days, with the first review being carried out by 27th November 2020.

(2) Any amendment to these Regulations will be considered to be a review for the purposes of this regulation.

Expiry

6.—(1) These Regulations expire at the end of the period of 12 months beginning with the day on which they come into operation.

(2) The expiry of these Regulations does not affect the validity of anything done pursuant to these Regulations before they expire.

Revocations

7.—(1) The following regulations are revoked—

- (a) The Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) Regulations (Northern Ireland) 2020 (the Principal Regulations)(**a**);
- (b) Regulation 3 of the Health Protection (Coronavirus, International Travel and Public Health Advice for Persons Travelling to Northern Ireland) (Amendment Regulations) 2020(**b**);

(2) Notwithstanding the revocation of the Principal Regulations, they continue in operation, as amended, in relation to any offence committed, or any requirement to provide information under the Principal Regulations before these Regulations came into operation.

Sealed with the Official Seal of the Department of Health on 9th October 2020

(L.S.)

Dr Naresh Chada
A senior officer of the Department of Health

SCHEDULE

Regulation 3(1) and 4(1) to (4)

PART 1

The required information to be given in accordance with Regulation 4(1) to (3) is:

“ESSENTIAL INFORMATION TO ENTER THE UK

The United Kingdom is taking steps to help stop the spread of COVID-19.

1) To protect your health and others', everyone must complete an online Passenger Locator Form before arrival in the United Kingdom.

(a) S.R. 2020 No. 97
(b) S.R. 2020 No. 179

2) You may be required to self-isolate for 14 days on arrival. Check the exempt countries list immediately before you travel as this list can change at short notice.

3) It is a legal requirement that you wear a face covering on public transport in the UK.

Failure to comply with the above measures is a criminal offence and you could be fined. Please visit www.gov.uk/uk-border-control for detailed public health advice and requirements for entering the UK.”.

PART 2

The required information to be given in accordance with Regulation 4(4) is:

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

Before entering the UK, you must complete a Passenger Locator Form online, regardless of where you are arriving from. You must also self-isolate for the first 14 days after you arrive, unless you are in an exempt category. This is to protect yourself and others.

Visit gov.uk for more information.

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.

Simple measures you can take to help protect yourself and family are:

Wash your hands

Avoid touching your face with your hands

Catch coughs and sneezes in a tissue and dispose of it immediately.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose requirements on persons (“operators”) operating commercial transport services for passengers travelling to Northern Ireland by sea or air from outside England, Wales, Scotland, the Channel Islands, the Isle of Man and the Republic of Ireland (the “common travel area” by virtue of section 1(3) of the Immigration Act 1971 (c. 77)).

Regulation 3 requires operators to ensure that passengers who arrive in Northern Ireland on such services have been provided with certain public health information in the required manner, on four separate occasions. Breach of this requirement is an offence.

Regulation 4 provides for the manner of the provision of the required information.

Regulation 5 requires the Department of Health to review these Regulations every 28 days.

Regulation 6 provides that these Regulations expire 12 months after they come into force.

Regulation 7 revokes the Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) Regulations (Northern Ireland) 2020 and regulation 3 of the Health Protection (Coronavirus, International Travel and Public Health Advice for Persons Travelling to Northern Ireland) (Amendment Regulations) 2020 and saves provisions relating to offences committed after 8 June 2020.

An impact assessment has not been completed prior to making these Regulations due to their urgent nature. However a screening exercise will be conducted before the regulations come into operation.

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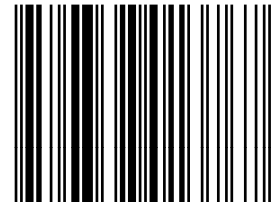
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