

2020 No. 326

PUBLIC HEALTH

**The Health Protection (Coronavirus, International Travel)
(Amendment No. 25) Regulations (Northern Ireland) 2020**

Made - - - - *11th December 2020*

Coming into operation in accordance with Regulation 1

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, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel) (Amendment No. 25) Regulations (Northern Ireland) 2020.

(2) Regulations 2 and 9 shall come into operation at 4.00am on 12th December 2020.

(3) The remainder of the Regulations shall come into operation on 14th December 2020.

(4) In these Regulations, “the principal Regulations” means the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020^(c).

Amendment of the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020

2.—(1) The principal Regulations are amended in accordance with regulations 3 to 9.

(2) In relation to any person who arrived in Northern Ireland on or after 10th July 2020 and before the coming into operation of any amendment made by regulation 9 the principal Regulations apply as if that amendment had not been made.

Amendments to regulation 3

3. In regulation 3(1)(b) (requirement to provide information), for “14th day” substitute “10th day”.

Amendments to regulation 4

4. In regulation 4 (requirement to self isolate)—

(a) in paragraph (1)(b) for “14th day” substitute “10th day”;

(b) in paragraph (7)(a) for “14th day” substitute “10th day”;

^(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. 2020 No. 90 as amended by S.R. 2020 Nos. 138, 140, 154, 155, 163, 168, 179, 185, 189, 193, 194, 200, 203, 212, 216, 223, 228, 234, 241, 243, 244, 254, 275, 278 and 289

- (c) in paragraph (12)(ca)(i)—
 - (i) after “where P is” insert “a new domestic elite sportsperson,”;
 - (ii) after “conditions specified in paragraph 39(4)” insert “(za),”;
- (d) after paragraph (12)(cc) insert—
 - “(cd) in paragraph 43 of Schedule 2, paragraph (2) does not—
 - (i) prevent P from travelling between the place where P is self-isolating and any place where P’s presence is required for the purposes of work as a journalist, or
 - (ii) require P to remain in isolation from any other person with whom P reasonably needs to meet in person for the purposes of work as a journalist.”.

Amendments to regulation 8

5. In regulation 8 (effect of fixed penalty notice), at the end insert—

“(3) If by the end of the period mentioned in regulation 7(3)(a)—

- (a) the penalty has not been paid, and
- (b) the person has not made a request to be tried,

a sum equal to one and a half times the amount of the penalty (“the enhanced sum”) may be registered under regulation 8B for enforcement against the person as a fine.”.

New regulations 8A, 8B, 8C and 8D

6. After regulation 8, insert—

“Registration certificates

8A.—(1) This regulation and regulation 8B apply where by virtue of regulation 8 the enhanced sum may be registered under regulation 8B for enforcement against any person as a fine.

(2) In this regulation and regulation 8B—

- (a) that sum is referred to as a “sum payable in default”, and
- (b) the person against whom that sum may be so registered is referred to as the “defaulter”.

(3) The Chief Constable, an immigration officer, or a person designated by the Department of Health under regulation 7(11)(c)—

- (a) may, in respect of any sum payable in default, issue a certificate (a “registration certificate”) stating that the sum is registrable under regulation 8B for enforcement against the defaulter as a fine; and
- (b) must cause any certificate so issued to be sent to the clerk of petty sessions.

(4) The Chief Constable may authorise a person to carry out the functions of the Chief Constable under paragraph (3).

(5) A registration certificate must—

- (a) give particulars of the offence to which the penalty notice relates; and
- (b) state the name and last known address of the defaulter and the amount of the sum payable in default.

Registration of penalty

8B.—(1) Where the clerk of petty sessions receives a registration certificate in respect of any sum payable in default, the clerk must register that sum for enforcement as a fine by entering it in the Order Book of a court of summary jurisdiction.

(2) On registering any sum under this regulation for enforcement as a fine, the clerk of petty sessions must give to the defaulter notice of registration—

- (a) specifying the amount of that sum and requiring payment of it by such date, not less than 28 days from the date of registration, as may be specified in the notice; and
- (b) giving the information with respect to the offence included in the registration certificate by virtue of regulation 8A(5)(a).

(3) On the registration of any sum in the Order Book of a court of summary jurisdiction by virtue of this regulation, any statutory provision referring (in whatever terms) to a fine imposed or a sum adjudged to be paid by a conviction of such court shall have effect in the case in question as if the sum so registered were a fine imposed by that court on the conviction of the defaulter on the date of the registration.

(4) The clerk of petty sessions must refer the case to a district judge (magistrates' courts) for the judge to consider whether to make a collection order under section 3 of the Justice Act (Northern Ireland) 2016(a), and the order may be made without a court hearing.

(5) Where a collection order is made in that case, the date specified in the order as the date by which the sum due must be paid must, unless the court directs otherwise, be the same as the date specified in the notice of registration under paragraph (2)(a).

Challenge to notice

8C.—(1) This regulation applies where—

- (a) a person who has received notice of the registration of a sum under regulation 8B for enforcement against that person as a fine makes a statutory declaration to the effect mentioned in paragraph (2), and
- (b) that declaration is, within 21 days of the date on which the person making it received notice of the registration, served on the clerk of petty sessions.

(2) The statutory declaration must state—

- (a) that the person making the declaration was not the person to whom the relevant fixed penalty notice was given, or
- (b) that the person gave notice requesting to be tried in respect of the alleged offence as permitted by the fixed penalty notice before the end of the suspended enforcement period.

(3) In any case within paragraph (2)(a), the relevant fixed penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void.

(4) In any case within paragraph (2)(b)—

- (a) the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void, and
- (b) the case shall be treated after the declaration is served as if the person making the declaration had given notice requesting to be tried in respect of the alleged offence as stated in the declaration.

(5) References in this regulation to the relevant fixed penalty notice are to the fixed penalty notice relating to the penalty concerned.

(6) In any case within paragraph (2)(b), Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981(b) (limitation of time) shall have effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the statutory declaration made for the purposes of paragraph (1).

(a) 2016 c. 21 (N.I.)

(b) S.I. 1981/1675 (N.I. 26)

(7) Paragraph (8) applies where, on the application of a person who has received notice of the registration of a sum under regulation 8B for enforcement against that person as a fine, it appears to a court of summary jurisdiction that it was not reasonable to expect that person to serve, within 21 days of the date on which that person received the notice, a statutory declaration to the effect mentioned in paragraph (2).

(8) The court may accept service of such a declaration by that person after that period has expired; and a statutory declaration so accepted shall be taken to have been served as required by paragraph (1).

(9) In this regulation references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum (including the making of a collection order).

(10) For the purposes of this regulation, a person shall be taken to receive notice of the registration of a sum under regulation 8B for enforcement against that person as a fine when that person receives notice either of the registration as such or of any proceedings for enforcing payment of the sum registered.

(11) Nothing in this regulation is to be read as prejudicing any rights a person may otherwise have by virtue of the invalidity of any action purportedly taken under these Regulations which is not in fact authorised by these Regulations in the circumstances of the case.

(12) Accordingly, references in this regulation to the registration of any sum or to any other action taken under these Regulations are not to be read as implying that the registration or action was validly made or taken.

Setting aside of sum enforceable under regulation 8B

8D.—(1) A court of summary jurisdiction may, in the interests of justice, set aside a sum enforceable as a fine as a result of regulation 8B.

(2) Where a court sets aside such a sum, it must give a direction that either—

- (a) no further action is to be taken in respect of the alleged offence that gave rise to the fixed penalty notice concerned; or
- (b) that the case is to be treated as if the person concerned had given notice requesting to be tried in respect of the offence.

(3) Where a court gives a direction under paragraph (2)(a), the fixed penalty notice concerned, the registration and any proceedings taken for enforcing payment of the sum registered shall be void.

(4) Where a court gives a direction under paragraph (2)(b)—

- (a) the registration and any proceedings taken for enforcing payment of the sum registered shall be void; and
- (b) Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time) shall have effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the setting aside.

(5) In this regulation references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum (including the making of a collection order).”

Amendments to Schedule 1

7. In Schedule 1 (Passenger Information)—

- (a) for paragraph 2(a) substitute—

- “(a) the address or addresses in the United Kingdom at which—
 - (i) in the case of a person who is required to comply with regulation 4, they intend to self-isolate, or
 - (ii) in the case of any other person, they intend to stay during the period of 10 days beginning on the day after the date of their arrival in the United Kingdom,”.
- (b) in paragraph 2(ha) for “14th day” substitute “10th day”.

Amendments to Schedule 2

8. In Schedule 2 (Persons not required to comply with regulation 3 and regulation 4)—

- (a) in paragraph 3(1)(b) for “14 days” substitute “10 days” in both places where it occurs;
- (b) in paragraph 39—
 - (i) in sub-paragraph (1) after “A domestic elite sportsperson,” insert “a new domestic elite sportsperson,”;
 - (ii) in sub-paragraph (2)—
 - (aa) in the definition of “international elite sportsperson” for “14th day” substitute “10th day”;
 - (bb) after the definition of “multinational ancillary sportsperson” insert—

““new domestic elite sportsperson” means an individual who—

 - (a) derives a living from competing in elite sports events,
 - (b) is in Northern Ireland, after departing from or transiting through a non-exempt country or territory, and
 - (c) has travelled to Northern Ireland and has entered into a contract with a business in Northern Ireland to compete in elite sports events, to participate in training for and to compete in elite sports events on behalf of that business;”;
 - (iii) in sub-paragraph (4), before sub-paragraph (a), insert—

“(za) where P is a new domestic elite sportsperson—

 - (i) P provides, on arrival in Northern Ireland, written evidence from a United Kingdom or English sport national governing body of P’s status as a new domestic elite sportsperson,
 - (ii) P travels directly to, and remains in any place where P is self-isolating, apart from when P is travelling to or from, or attending the location of an elite sports event or training for an elite sports event, or travelling between different locations where an elite sports event or training for an elite sports event is taking place, and
 - (iii) at all times when P is not self-isolating P remains in isolation with any other new domestic elite sportspersons, domestic elite sportspersons or international elite sportspersons who are competing in or training for an elite sports event or with international ancillary sportspersons or domestic ancillary sportspersons involved in an elite sports event,”;
- (c) after paragraph 40 insert—

“40A.—(1) A person engaged in television production.

(2) For the purposes of sub-paragraph (1) a person is engaged in television production if that person is employed, or contracted, to make a television programme (other than a television programme which is a British programme for the purposes of Part 15A of the Corporation Tax Act 2009) as—

 - (a) an actor,
 - (b) a presenter or other significant on-screen participant,

- (c) a director,
 - (d) a producer,
 - (e) a lighting director,
 - (f) a director of photography,
 - (g) a creative director,
 - (h) other key members of the production crew at director level responsible for managing key aspects of the production, or
 - (i) a senior executive responsible for overseeing the production company's operations in relation to the production.”;
- (d) after paragraph 41 insert—

“42.—(1) A journalist where they have travelled from or to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

- (a) “journalist” means a person who holds a valid UK Press Card or International Press Card,
- (b) “UK Press Card” means a press card issued by an organisation (known as a gatekeeper) under the scheme managed by the UK Press Card Authority,
- (c) “International Press Card” means a press card issued by a national organisation under the scheme managed by the International Federation of Journalists.”.

Amendments to Schedule 3

9. In Schedule 3 (Exempt countries, territories and parts of countries or territories)—

- (a) at the appropriate place in alphabetical order, insert “Botswana” and “Saudi Arabia”; and
- (b) omit “The Canary Islands”.

Sealed with the Official Seal of the Department of Health on 11th December 2020

(L.S.)

Dr Naresh Chada
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) 2020 (“the principal Regulations”).

The self-isolation period of 14 days is amended to 10 days.

Regulation 4 of and Schedule 2 to the principal Regulations are amended to add additional sectoral exemptions.

An amendment has been made to the elite sportspersons exemption to allow for new signings to use the exemption.

The new exemptions are for certain workers engaged in television production and properly accredited journalists.

Regulation 8 of the principal Regulations is amended and new regulations 8A, 8B, 8C and 8D are inserted to give effect to the enforcement of fixed penalty notices issued under regulation 7.

Botswana and Saudi Arabia are included within the list of countries and territories in Schedule 3 to the principal Regulations exempt from the requirement in regulation 4 of those Regulations to self-isolate for 10 days after arrival in Northern Ireland.

The Canary Islands are omitted from the list of countries and territories in Schedule 3 to the principal Regulations exempt from the requirement in regulation 4 of those Regulations to self-isolate for 10 days after arrival in Northern Ireland.

No impact assessment has been prepared for these Regulations.

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