

EXPLANATORY MEMORANDUM TO

The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020

S.R. 2020 No. 90

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Health and is laid before the Northern Ireland Assembly to accompany the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020.
- 1.2 The Statutory Rule is made under sections 25B and 25F(2) of the Public Health Act (Northern Ireland) 1967 (“the 1967 Act”) and is subject to negative resolution.

2. Purpose of the Regulations

- 2.1 This Statutory Rule introduces two “border measures” for travellers:
 - A requirement for those arriving into NI from outside of the common travel area to provide information on arrival – this includes contact information, the address where they plan to self-isolate, and any onward travel plans
 - A requirement for those arriving into NI who have been outside of the common travel area in the previous 14 days to self-isolate on arrival – until 14 days have passed since they left the country in question.

3. Matters of special interest to the Northern Ireland Assembly

- 3.1 The Statutory Rule is made under the 1967 Act, in breach of the 21 day rule. This has been necessary to introduce the requirement at the same time as the other UK regions in order to have consistency of approach.
- 3.2 Further, the Regulations provide that the Department of Health must review the need for the measures imposed by the Regulations at least once every 21 days, with the first review being carried out by 29 June 2020.
- 3.3 The Regulations cease to have effect at the end of the period of one year beginning on the day on which they came into operation, i.e. the 8 June 2020.

4. Legislative Context

- 4.1 The 1967 Act and regulations made under it provide a legislative framework for health protection in Northern Ireland.
- 4.2 Part 1A of the 1967 Act, as inserted by the Coronavirus Act 2020 (“the 2020 Act”), provides a legal basis to protect the public from threats arising from infectious disease or contamination with coronavirus, and includes powers to impose restrictions or requirements on people, and in relation to things and premises, for use in rare circumstances where voluntary cooperation cannot be obtained. Overall, Part 1A of the 1967 Act sets out a framework for health protection which requires much of the detailed provisions to be delivered through regulations.

- 4.3 Section 25C of the 1967 Act provides a power for the Department of Health to make regulations to prevent, protect against, control or provide a public health response to the incidence or spread of infection or contamination with coronavirus in Northern Ireland. The threat can come from outside Northern Ireland.
- 4.4 These Regulations are made under section 25B to enable a number of public health measures to be taken for the purpose of preventing danger to public health from arrivals into Northern Ireland. They will also be made under 25F(2) which allows for enforcement provisions to be included.

5. Policy background

- 5.1 The temporary modifications to the 1967 Act made by the Coronavirus Act 2020 provide regulation making powers that were previously not available in Northern Ireland.
- 5.2 On Sunday 10 May the Prime Minister announced the UK would introduce two border measures to help limit the rate of transmission of Coronavirus in the UK. The Regulations introduce these requirements in a Northern Ireland context.
- 5.3 Firstly, those arriving into Northern Ireland outside the common travel area would be required to provide contact information on or before their arrival. They will be asked for information on their journey to Northern Ireland, the address they will be staying at over the next 14 days, and any onward travel plans to leave the UK.
- 5.4 Secondly, those arriving into Northern Ireland and who have been in any other country other than the UK or Ireland in the previous 14 days will be required to self-isolate on their arrival. The self-isolation requirement lasts until 14 days have passed from the point at which they left that country in question. This covers the 14 day incubation period of the virus.
- 5.5 The person will not be permitted to leave the place where they are self-isolating without a reasonable excuse, which includes the following:
- i. To travel in order to leave Northern Ireland
 - ii. to obtain basic necessities including food and medical supplies for themselves or someone in their household
 - iii. to seek medical assistance
 - iv. to fulfil a legal obligation
 - v. to access critical public services including social services and services provided to victims
 - vi. to move to a different place of self-isolation in limited circumstances
 - vii. on compassionate grounds to attend a funeral in limited circumstances
 - viii. to avoid injury or illness or escape a risk of harm
 - ix. to exercise alone
 - x. to attend a burial ground alone
 - xi. if they are a worship leader, to attend their place of worship provided they will be there alone
- 5.6 The Regulations will be enforced by border force and the PSNI. Border Force will undertake all enforcement regarding the requirement to provide information on arrival. Enforcement will be via Fixed Penalty Notices beginning at £60 and doubling for multiple offences, up to a maximum of £960.

5.7 PSNI will be able be responsible for the enforcement of the self-isolation requirement. This will be via fixed penalty notices of £1000.

6. Consultation

6.1 Given the rapidly evolving global situation regarding the spread of coronavirus there has been no public consultation in relation to this Statutory Rule.

6.2 Statutory consultation has taken place with the Information Commissioners Office.

7. Equality impact

7.1 An Equality Impact Assessment screening was conducted and no adverse disproportionate impact was identified. Given these measures would reduce the transmission of coronavirus, there were positive benefits noted for those groups that are known to be, or suspected to be, more susceptible to the adverse effects of the virus, including older people, those with a disability and those in ethnic minority groups.

7.2 In addition a human rights impact assessment was conducted to ensure compliance with the European Convention on Human Rights. This assessed the proportionality of the measures being taken and mitigations which could be considered to reduce the impact on human rights that the assessment identified.

8. Regulatory impact

8.1 Given the rapidly evolving global situation regarding the spread of coronavirus there has been no assessment of regulatory impacts in relation to this Statutory Rule.

9. Financial implications

9.1 Given the rapidly evolving global situation regarding the spread of coronavirus there has been no assessment of the financial impacts in relation to this Statutory Rule.

9.2 However it is likely there will be a financial impact on travel operators as there is potential for a reduction in demand as travellers may choose not to travel given the requirements in place.

10. Section 24 of the Northern Ireland Act 1998

10.1 The Department of Health has considered section 24 of the Northern Ireland Act 1998 and is satisfied that these Regulations are not incompatible with any of the Convention rights; are not incompatible with Community law; do not discriminate against a person or class of person on the grounds of religious belief or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

11. EU implications

11.1 There are unlikely to be any EU implications.

11.2 This Statutory Rule does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

12. Parity or Replicatory Measure

- 12.1 The Health Protection (Coronavirus, International Travel) (England) Regulations 2020 came into force on 8 June 2020. It is anticipated that The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 will come into force on 8 June 2020 and The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 will come into force on 8 June 2020.

13. Additional information

- 13.1 Not applicable