

2020 No. 97

PUBLIC HEALTH

The Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) Regulations (Northern Ireland) 2020

Made - - - - *5th June 2020*

Coming into operation - - *8th June 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.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) Regulations (Northern Ireland) 2020.

(2) These Regulations shall come into operation on 8th June 2020.

Interpretation

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) and the Schedule;

“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.

Information requirement

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

(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

information contained in the Schedule, at each of the times specified in paragraph (2) and in the manner required in paragraph (3).

(2) The times are—

- (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 prior to departure the passenger was checked in to travel on the relevant service, at the time of check-in; and
- (c) while the passenger was on board the vessel or aircraft.

(3) The required manner is—

- (a) in relation to information provided under paragraph (2)(a) or (b), orally or in writing;
- (b) in relation to information provided under paragraph (2)(c), orally in English and in an officially recognised language of the country of departure.

(4) Paragraph (2)(a) applies only if the booking was made after these Regulations come into operation.

(5) Paragraph (2)(b) applies only if the check-in took place after these Regulations come into operation.

(6) 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.

(7) If another person (B) checked in 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 at the time of check-in, 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.

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

(9) An offence under paragraph (8) is punishable on summary conviction by a fine not exceeding £10,000.

(10) In relation to the requirement to provide the required information at the time set out in paragraph (2)(a) and (b), it is a defence for the purposes of paragraph (8) 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.

Review

4. The Department of Health must review the need for the information requirement at least once every 21 days, with the first review being carried out by 29 June 2020.

Expiry

5.—(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.

Sealed with the Official Seal of the Department of Health on 5th June 2020

(L.S.)

Dr Michael McBride
A senior officer of the Department of Health

SCHEDULE

Regulation 3(1)

1. The required information to be given in accordance with Regulation 3(2)(a) is:
 - (a) For online bookings a link to www.gov.uk/uk-border-control must be embedded on an operator's website, so that it is visible prior to completion of the booking. An operator must provide text alongside the link, informing a passenger that they should read the latest UK public health advice. It is also at an operator's discretion where on website pages the link and text are displayed, but they should be prominently placed.
 - (b) For telephone and in-person bookings, an operator must advise a passenger to visit the government's "Entering the UK" website, www.gov.uk/uk-border-control and ask them to confirm that they have read the information before proceeding with the booking.
2. The required information to be given in accordance with Regulation 3(2)(b) is:
 - (a) For digital check-in, a link to www.gov.uk/uk-border-control must be embedded into the digital check-in pages or included within an email confirmation. An operator must provide text alongside the link informing a passenger that they should read the latest UK public health advice. It is also an operator's discretion where on digital check-in pages or in email confirmations the link and text are displayed.
 - (b) For check-in at a port, where the information is provided orally, operators must advise a passenger to visit the government border control website, www.gov.uk/uk-border-control and ask them to confirm that they have read the information before proceeding with the check-in.
 - (c) For check-in at a port, where the information is provided in writing, UK Government coronavirus resources must be used. These are available in the form of a poster, digital screen or leaflet setting out the required information. These should be displayed on or adjacent to the kiosk or check-in desk where check-in takes place.
3. The required information to be given in accordance with Regulation 3(2)(c) is:
 - (a) an on-board announcement advising passengers:
 - (i) of the symptoms of coronavirus;
 - (ii) to inform the crew if they are experiencing symptoms;
 - (iii) of simple measures they can take to help protect themselves and their family to include:
 - (aa) Wash their hands
 - (bb) Avoid touching their face with their hands
 - (cc) Catch coughs and sneezes in a tissue and dispose of it immediately; and
 - (iv) of their requirements under Regulations 3 and 4 of the Health Protection (Coronavirus, International Travel) Regulations (NI) 2020(a).

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 three separate occasions. Breach of this requirement is an offence.

Regulation 4 requires the Department of Health to review these Regulations every 21 days.

Regulation 5 provides that these Regulations expire 12 months after they come into force.

A full impact assessment has not been completed due to the urgent nature of this instrument.

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