

SCHEDULES

SCHEDULE 4

Persons who are exempt

PART 2

Definitions of persons who are exempt,
conditions, limitations of exemption and savings

1. Diplomat

Definition

1. A person (P) who is—
 - (a) a member of a diplomatic mission in the United Kingdom,
 - (b) a member of a consular post in the United Kingdom,
 - (c) an officer or servant of an international organisation,
 - (d) employed by an international organisation as an expert or on a mission,
 - (e) a representative to an international organisation,
 - (f) a representative at an international or United Kingdom conference who is granted privileges and immunities in the United Kingdom,
 - (g) a member of the official staff of a representative to an international organisation, or of a person falling within paragraph (f),
 - (h) described in paragraph (a) or (b) who is passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality,
 - (i) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom,
 - (j) a representative of the government of a British Overseas territory,
 - (k) a diplomatic courier or a consular courier.
2. For the purposes of this entry—
 - (a) “consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963,
 - (b) “consular post” means any consulate-general, consulate, vice consulate or consular agency,
 - (c) “diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961,

Status: This is the original version (as it was originally made).

- (d) “international organisation” means an international organisation accorded privileges and immunities in the United Kingdom,
- (e) “member of a consular post” means “consular officer”, “consular employee” and “member of the service staff” as defined in Schedule 1 of the Consular Relations Act 1968⁽¹⁾, and “head of consular post” has the meaning given in that Schedule,
- (f) “member of a diplomatic mission” means “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” and “members of the service staff” as defined in Schedule 1 to the Diplomatic Privileges Act 1964⁽²⁾.

General conditions for exemption: the double confirmation condition

3.—(1) In this entry the double confirmation condition means that—

- (a) the relevant diplomatic head, or a person acting on their authority, (H) confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake work in the United Kingdom which is essential to—
 - (i) the functioning of the diplomatic office served by relevant diplomatic head, or
 - (ii) the foreign country, foreign territory or British overseas territory represented by the relevant diplomatic head,
- (b) H has confirmed in writing to the Foreign, Commonwealth and Development Office that
 - (i) P is not required to comply with regulation 4,
 - (ii) P is not required to comply with regulation 6,
 - (iii) P is not required to comply with regulation 8,
 - (iv) P’s work cannot be undertaken whilst P is complying with regulation 10, or
 - (v) P is not required to comply with regulation 14 and Schedule 7
 (as the case may be),
- (c) the Foreign, Commonwealth and Diplomatic Office has then confirmed in writing to H that—
 - (i) it has received the confirmations set out above,
 - (ii) P is travelling to the United Kingdom to conduct official business with the United Kingdom, and
- (d) the Foreign, Commonwealth and Diplomatic Office has then confirmed in writing to H that—
 - (i) P is not required to comply with regulation 4,
 - (ii) P is not required to comply with regulation 6,
 - (iii) P is not required to comply with regulation 8,
 - (iv) P is not required to comply with regulation 10, or
 - (v) P is not required to comply with regulation 14 and Schedule 7
 (as the case may be).

(2) In this paragraph “the relevant diplomatic head” means the head of the mission, consular post, international organisation, conference, office representing a foreign territory in the United Kingdom, or a Governor of a British overseas territory (as the case may be).

Condition for exemption from requirement to provide information

(1) 1968 c. 18. There are amendments but none is relevant

(2) 1964 c. 81. There are amendments but none is relevant

4.—(1) Where P is a person described in paragraph 1 and P meets the double confirmation condition, P is not required to comply with regulation 4.

(2) Where F is a member of the family forming part of the household of P, F is not required to comply with regulation 4 if—

- (a) P satisfies sub-paragraph (1),
- (b) the Foreign, Commonwealth and Development Office has been notified of F's arrival, and
- (c) the Foreign, Commonwealth and Development Office has confirmed in writing that F is not required to comply with regulation 4.

Conditions for exemption from requirement to possess negative test result

5. Where P is a person described in paragraph 1(i) or (j) and meets the double confirmation condition, P is not required to comply with regulation 6.

Conditions for exemption from requirement to book and undertake tests

6.—(1) Where P is a person described in paragraph 1 and P meets the double confirmation condition, P is not required to comply with regulation 8.

(2) Where F is a member of the family forming part of the household of P, F is not required to comply with regulation 8 if—

- (a) P satisfies sub-paragraph (1),
- (b) the Foreign, Commonwealth and Development Office has been notified of F's arrival, and
- (c) the Foreign, Commonwealth and Development Office has confirmed in writing that F is not required to comply with regulation 8.

Conditions for exemption from requirement to self-isolate

7.—(1) Where P is a person described in paragraph 1 and meets the double confirmation condition, P is not required to comply with regulation 10.

(2) Where P is—

- (a) a diplomat within the meaning of paragraph 1, but sub-paragraph (1) of this paragraph does not apply, or
- (b) P is a member of the family forming part of the household of P,

P is not obliged to comply with the requirements set out in regulation 12(4) and (5).

8.—(1) Where P is a person described in paragraph 1(c) and meets the conditions set out in sub-paragraph (2), P is not required to comply with regulation 10.

(2) Those conditions are that—

- (a) the international organisation confirms in writing that—
 - (i) P is required, from time to time, by that international organisation to return to Northern Ireland for a resilience break,
 - (ii) P is travelling to Northern Ireland solely for the purposes of that resilience break, and
 - (iii) that resilience break cannot be undertaken in the country in which P works, and
- (b) the Department has then confirmed in writing to the international organisation that—
 - (i) it has received that confirmation, and
 - (ii) P is not required to comply with regulation 10.

Conditions for exemption from requirement to comply with managed isolation

Status: This is the original version (as it was originally made).

9.—(1) Where P is a person described in paragraph 1(a) to (h) or (k) and meets the double confirmation condition, P is not required to comply with regulation 14 and Schedule 7.

(2) Where F is a member of the family forming part of the household of P, F is not required to comply with regulation 14 and Schedule 7 if—

- (a) P satisfies sub-paragraph (1),
- (b) the Foreign, Commonwealth and Development Office has been notified of F's arrival, and
- (c) the Foreign, Commonwealth and Development Office has confirmed in writing that F is not required to comply with regulation 14 and Schedule 7.

10.—(1) Where P is a person described in paragraph 1(i) or (j) and meets the double confirmation condition, P is not required to comply with regulation 14 and Schedule 7.

(2) Where F is a member of the family forming part of the household of P, F is not required to comply with regulation 14 and Schedule 7 if—

- (a) P satisfies sub-paragraph (1),
- (b) the Foreign, Commonwealth and Development Office has been notified of F's arrival, and
- (c) the Foreign, Commonwealth and Development Office has confirmed in writing that F is not required to comply with regulation 14 and Schedule 7.

11. But where paragraphs 9 or 10(2) apply—

- (a) the person must enter into self-isolation, in accordance with regulation 10, as if the person were an amber list arrival,
- (b) none of the exemptions set out in this Schedule in respect of self-isolation apply to that person, and
- (c) the person is not required to comply with the requirements set out in regulation 10 while undertaking the work or activity described in paragraph 1(a) to (h) or (k), (as the case may be).

12.—(1) Where P is a person described in paragraph 1(c) and meets the conditions set out in sub-paragraph (2), P's obligations under regulation 14 and Schedule 7 apply with the modifications set out in sub-paragraph (3).

(2) Those conditions are that—

- (a) the international organisation confirms in writing that—
 - (i) P is required, from time to time, by that international organisation to return to Northern Ireland for a resilience break,
 - (ii) P is travelling to Northern Ireland solely for the purposes of that resilience break, and
 - (iii) that resilience break cannot be undertaken in the country in which P works, and
- (b) the Department has then confirmed in writing to the international organisation that—
 - (i) it has received that confirmation, and
 - (ii) P is not required to comply with regulation 14 and Schedule 7

(3) Those modifications are that—

- (a) references in Schedule 7 to a place in accommodation designated by the Department are to be read as references to P's home,
- (b) there is no requirement to use transport facilitated by the Department in order to reach their home,
- (c) no charge may be imposed by the Department in relation to accommodation where P stays,

(d) the definition of “place” in paragraph 12 of Schedule 7 does not apply.

Savings

13. This entry is without prejudice to any immunity from jurisdiction or inviolability which is accorded to any person described in paragraph 1 under the law of Northern Ireland apart from these Regulations.

2. Crown servant (border work)

14.—(1) A Crown servant or government contractor where they are—

- (a) required to undertake essential government work related to the United Kingdom border in the United Kingdom within the period during which they would, but for this exemption, have had to isolate in accordance with Part 2, or
- (b) undertaking essential government work related to the United Kingdom border outside of the United Kingdom but—
 - (i) are required to return to the United Kingdom temporarily,
 - (ii) will thereafter depart to undertake essential government work related to the United Kingdom border outside of the United Kingdom.

(2) For the purposes of sub-paragraph (1) and paragraph 11—

- (a) “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989⁽³⁾,
- (b) “essential government work” means work which has been designated as such by a government department or employer,
- (c) “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

3. Crown servant (defence), armed forces, visiting forces

15.—(1) A person who is a Crown servant, a government contractor, or a member of a visiting force, who—

- (a) is required to undertake work necessary to the delivery of essential defence activities,
- (b) has travelled from a point of origin within the common travel area or from a green list country on a vessel or aircraft operated by, or in support of, Her Majesty’s armed forces or by, or in support of, a visiting force and that vessel or aircraft has not taken on any persons, docked in any port or landed in any red list country or amber list country, or
- (c) has undertaken a continuous period of at least 10 days ending with the day immediately preceding the day of their arrival in the United Kingdom aboard a vessel operated by or in support of Her Majesty’s Naval Service or by, or in support of, a visiting force, where they have not disembarked and that vessel has not taken on any persons or docked in any port outside of the common travel area for a period of at least 10 days ending with the day of its arrival in the United Kingdom.

(2) For the purposes of sub-paragraph (1)—

(3) 1989 c. 6. Section 12 was amended by paragraph 22 of Schedule 10 to the Reserve Forces Act 1996 (c. 14), by paragraph 30 of Schedule 12 to the Government of Wales Act 1998 (c. 38), by paragraph 26 of Schedule 8 to the Scotland Act 1998 (c. 46), by paragraph 9(3) of Schedule 13 to the Northern Ireland Act 1998 (c. 47), by paragraph 9 of Schedule 6 to the Police (Northern Ireland) Act 2000 (c. 32), by paragraph 6 of Schedule 14 to the Energy Act 2004 (c. 20), by paragraph 58 of Schedule 4 to the Serious Organised Crime and Police Act 2005, by paragraph 34 of Schedule 10, and paragraph 1 of Schedule 12, to the Government of Wales Act 2006 (c. 32) and by paragraph 36 of Schedule 8 to the Crime and Courts Act 2013 (c. 22)

- (a) “defence” has the meaning given in section 2(4) of the Official Secrets Act 1989,
- (b) “visiting force” means any body, contingent or detachment of the forces of a country, being a body, contingent or detachment for the time being present in the United Kingdom (including United Kingdom territorial waters), on the invitation of Her Majesty’s Government in the United Kingdom.

4. Foreign official (border work)

16. An official of a foreign Government. required to travel to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties where—

- (a) they are in possession of a written notice signed by a senior member of their foreign Government confirming that they are required to undertake essential border security duties in the United Kingdom within the period during which they would, but for this exemption, have had to isolate in accordance with Part 2, and that that work cannot be undertaken whilst the person is complying with Part 2, or
- (b) their deployment is in line with a standing bilateral or multilateral agreement with Her Majesty’s Government on the operation of the Border controls within the United Kingdom.

5. Seamen and masters

17.—(1) Seamen and masters, as defined in section 313(1) of the Merchant Shipping Act 1995⁽⁴⁾, where they have travelled to the United Kingdom in the course of their work or have been repatriated to Northern Ireland in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007.

(2) For the purposes of sub-paragraph (1)—

- (a) “the Maritime Labour Convention, 2006” means the Convention adopted on 23rd February 2006 by the General Conference of the International Labour Organisation,
- (b) “the Work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14th June 2007 by the International Labour Organisation.

6. Pilots (maritime)

18. A pilot, as defined in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995⁽⁵⁾, where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom.

7. Ship inspectors

19. An inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995⁽⁶⁾, or by a government of a relevant British possession as defined in section 313(1) of that Act, where they have travelled to the United Kingdom in the course of their work.

⁽⁴⁾ 1995 c. 21. There are amendments to section 313(1) but none are relevant

⁽⁵⁾ Schedule 3A was inserted by Schedule 1 to the Marine Safety Act 2003 (c. 16)

⁽⁶⁾ There are amendments to section 256 but none are relevant

8. Air crew

20.—(1) A member of aircraft crew where they have travelled to the United Kingdom in the course of their work or are otherwise required to travel to the United Kingdom for work purposes.

(2) For the purposes of this paragraph—

(a) “member of aircraft crew” means a person who—

- (i) acts as a pilot, flight navigator, flight engineer or flight radiotelephony operator of the aircraft,
- (ii) is carried on the flight deck and is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) of the Air Navigation Order 2016 or any provision of EU-OPS, or
- (iii) is carried on the flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers or of the aircraft,

(b) travel for work purposes includes, in particular—

- (i) where the member of aircraft crew resides outside the United Kingdom, travelling to the United Kingdom to work on an aircraft departing from the United Kingdom,
- (ii) travelling to attend work-related training in the United Kingdom,
- (iii) returning to the United Kingdom following work-related training outside the United Kingdom,

(c) “EU-OPS” has the meaning given in paragraph 1 of Schedule 1 to the Air Navigation Order 2016.

9. Transit passenger

21. A person who, on arrival in the United Kingdom—

- (a) passes through to another country or territory without alighting from the conveyance by which they arrived in the United Kingdom, or
- (b) alighted from the conveyance by which they arrived in the United Kingdom for the sole purpose of continuing a journey to a country or territory outside the common travel area and
 - (i) remains within their port of entry until their departure from Northern Ireland, or
 - (ii) travels directly from their port of entry to another port of departure in Northern Ireland.

10. Road haulage worker

22.—(1) A person who is—

- (a) the driver of a goods vehicle that is being used in connection with the carriage of goods, other than goods for non-commercial personal use by the driver, or
- (b) employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council⁽⁷⁾, and who is acting in the course of their employment.

(2) For the purposes of this paragraph—

(7) OJ No. L 300, 14.11.2009, p. 72

- (a) “driver” includes a person who is travelling in a vehicle as a relief driver,
- (b) “goods vehicle” has the meaning given in Article 2(1) of the Road Traffic (Northern Ireland) Order 1981.

11. Civil aviation inspector

23. Civil aviation inspectors, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7th December 1944⁽⁸⁾, where they have travelled to the United Kingdom when engaged on inspection duties.

12. Returning essential state worker

24.—(1) Any person who a government department has certified as meeting the description in sub-paragraph (a), (b), (c) or (d)—

- (a) a Crown servant or government contractor who is required to undertake essential policing or essential government work in the United Kingdom within the period during which they would, but for this paragraph, have had to isolate in accordance with these Regulations,
- (b) a person returning from conducting essential policing or essential government work outside the United Kingdom,
- (c) a person returning from conducting essential state business outside of the United Kingdom,
- (d) a person returning to the United Kingdom where this is necessary to facilitate the functioning of a diplomatic mission or consular post of Her Majesty or of a military or other official posting on behalf of Her Majesty.

(2) For the purposes of sub-paragraph (1)—

- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency,
- (b) “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989,
- (c) “essential government work” means work which has been designated as such by a government department, and includes, in particular, work related to national security, the work of the National Crime Agency in pursuance of its statutory functions, and work related to immigration, the coronavirus disease or any other crisis response, but does not include work of the description in the entry relating to Crown servants (border work) in this Schedule,
- (d) “essential policing” means policing which has been designated as such on behalf of a chief officer or a chief constable,
- (e) “essential state business” means activity which has been designated as essential to the United Kingdom or Her Majesty’s Government by a government department, and includes, in particular, bilateral or multilateral discussions with another state or international organisation and visits to another state on behalf of the United Kingdom or Her Majesty’s Government,
- (f) “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

Condition for exemption from requirement to possess notification of negative test result

⁽⁸⁾ The latest edition of Annex 9, which is published by the International Civil Aviation Organization, is the 15th edition, which applied from 23rd February 2018 (ISBN 978-92-9258-304-9)

25. Where P is a person described in paragraph 24(1)(a), (b) or (c), P is not required to comply with regulation 6 where a government department has certified, prior to P's departure to the United Kingdom, that P meets this description and is not required to comply.

Condition for exemption from requirement to book and undertake test

26. Where P is a person described in paragraph 24(1)(a) or (c), P is not required to comply with regulation 8 where a government department has certified that P meets this description and that P is not required to comply.

Condition for exemption from requirement to self-isolate

27. Where P is a person described in paragraph 24(1)(a), (c) or (d), P is not required to comply with regulation 10 where a government department has certified, prior to P's departure to the United Kingdom that P meets this description and is not required to comply.

Condition for exemption from requirement to comply with managed isolation

28. Where P is a person described in paragraph 24(1)(a), (b), (c) or (d), P is not required to comply with regulation 14 and Schedule 7 while undertaking that work or activity where a government department has certified that P meets this description and that P is not required to comply while undertaking that work or activity.

13. Other returning essential workers

29.—(1) A person who is—

- (a) required to undertake essential or emergency work in the United Kingdom, or
- (b) returning from undertaking such work outside of the United Kingdom, where a government department has certified P's work as necessary to facilitate essential government work or essential state business.

(2) For the purposes of sub-paragraph (1) “essential government work” and “essential state business” have the same meaning as in paragraph 24.

Condition for exemption from requirement to possess notification of negative test result

30. Where P is a person described in paragraph 29(1)(b), P is not required to comply with regulation 6 where, prior to P's departure to the United Kingdom, a government department has certified that P is not required to comply with regulation 6.

Condition for exemption from requirement to book and undertake test

31. P is not required to comply with regulation 8 where a government department has certified that P is not required to comply with regulation 8.

Condition for exemption from requirement to self-isolate

32. Where P is a person described in paragraph 29(1)(b), P is not required to comply with regulation 10 where a government department has certified that P is not required to comply with regulation 10.

Condition for exemption from requirement to comply with managed isolation

33. P is not required to comply with regulation 14 and Schedule 7 where a government department has certified that P is not required to comply with regulation 14 and Schedule 7

14. Official repatriating a prisoner

34. A person designated by the relevant Minister under section 5(3) of the Repatriation of Prisoners Act 1984⁽⁹⁾.

(9) 1984 c. 47

Status: This is the original version (as it was originally made).

15. Official escorting extradition subject

35. A person responsible for escorting a person sought for extradition pursuant to a warrant issued under Part 3 of the Extradition Act 2003⁽¹⁰⁾ or sought for extradition pursuant to any other extradition arrangements.

16. Foreign official collecting extradition subject

36. A representative of any territory travelling to the United Kingdom in order to take into custody a person whose surrender has been ordered pursuant to any provision of the Extradition Act 2003.

17. Essential water / sewerage worker

37.—(1) A worker engaged in essential or emergency works—

- (a) related to water supplies and sewerage services, and
- (b) carried out by a relevant undertaker,

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

- (a) “essential or emergency works” includes—
 - (i) inspections, maintenance, repairs, and asset replacement activities,
 - (ii) monitoring, sampling and analysis of water supplies under the Private Water Supplies Regulations (Northern Ireland) 2017⁽¹¹⁾, or the Water Supply (Water Quality) Regulations (Northern Ireland) 2017⁽¹²⁾,
- (b) “sewerage services” has the meaning given in Article 2(2) of the Water and Sewerage Services (Northern Ireland) Order 2006⁽¹³⁾,
- (c) “relevant undertaker” has the meaning given Article 2(2) of the Water and Sewerage Services (Northern Ireland) 2006.

18. Essential floods worker

38. A worker engaged in essential or emergency works on behalf of the Department for Infrastructure relating to—

- (a) flood risk, within the meaning of the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009⁽¹⁴⁾, or
- (b) protection against flooding, within the meaning of the Drainage (Northern Ireland) Order 1973⁽¹⁵⁾,
- (c) the drainage of roads within the meaning of the Roads (Northern Ireland) Order 1993⁽¹⁶⁾.

19. Essential utilities worker

39.—(1) A worker engaged in essential or emergency works—

(10) 2003 c. 41
 (11) S.R. 2017 No. 211
 (12) S.R. 2017 No. 212
 (13) S.I. 2006/3336 (N.I.21)
 (14) S.R. 2009 No. 376, amended by S.R. 2018 No. 196, S.R. 2018 No. 137
 (15) 1973 (N.I. 1)
 (16) 1993 (N.I. 15)

- (a) related to—
 - (i) a generating station,
 - (ii) an electricity interconnector,
 - (iii) a district heat network as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014⁽¹⁷⁾,
 - (iv) communal heating as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014,
 - (v) automated ballast cleaning and track re-laying systems on a network, or
 - (vi) the commissioning, maintenance and repair of industrial machinery for use on a network, or
- (b) carried out by or on behalf of—
 - (i) the national system operator,
 - (ii) a person holding a transmission licence,
 - (iii) a person holding a distribution licence,
 - (iv) a person holding a licence under Article 8 of the Gas (Northern Ireland) Order 1996⁽¹⁸⁾,
 - (v) a LNG facility as defined in Article 3 of the Gas (Northern Ireland) Order 1996, or
 - (vi) a person holding access rights under regulation 4 or holding a European licence granted under regulation 44 or recognised under regulation 45 of the Railways (Infrastructure Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016⁽¹⁹⁾,

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

- (a) “distribution licence” means a licence granted under Article 10(1)(bb) of the Electricity (Northern Ireland) Order 1992⁽²⁰⁾,
- (b) “essential or emergency works” includes commissioning, inspections, maintenance, repairs, and asset replacement activities,
- (c) “national system operator” means the person operating the national transmission system for Northern Ireland,
- (d) “network”, in sub-paragraph (1)(a)(v), has the meaning given in section 83(1) of the Railways Act 1993⁽²¹⁾,
- (e) “transmission licence” means a licence granted under Article 10(1)(b) of the Electricity (Northern Ireland) Order 1992,
- (f) “generating station”, and “transmission system” have the meanings given in Article 3 of the Electricity (Northern Ireland) Order 1992.

20. Essential nuclear worker

40.—(1) A person who is—

⁽¹⁷⁾ [S.I. 2014/3120](#). There are no relevant amending instruments

⁽¹⁸⁾ [S.I. 1996/275 \(N.I. 2\)](#)

⁽¹⁹⁾ [S.R. 2016 No. 420](#)

⁽²⁰⁾ [S.I. 1992/231 \(N.I. 1\)](#)

⁽²¹⁾ [1993 c. 43](#). There are amendments to section 83(1) but none is relevant

- (a) nuclear personnel, and who is essential to the safe and secure operations of a site in respect of which a nuclear site licence has been granted,
- (b) a nuclear emergency responder, or
- (c) an agency inspector,

where the person has travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

- (a) “agency inspector” has the meaning given in section 1(1) of the Nuclear Safeguards Act 2000⁽²²⁾,
- (b) “nuclear emergency responder” means any person providing assistance to the United Kingdom in accordance with the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency done at Vienna on 26 September 1986, who has been duly notified to and accepted by the United Kingdom, where the United Kingdom has requested assistance under that Convention,
- (c) “nuclear personnel” means—
 - (i) a worker who is employed to carry out work on or in relation to a site in respect of which a nuclear site licence has been granted, or
 - (ii) an employee of the Nuclear Decommissioning Authority⁽²³⁾,
- (d) “nuclear site licence” has the meaning given in section 1 of the Nuclear Installations Act 1965⁽²⁴⁾.

21. Chemical weapons inspector

41. An Inspector from the Organisation for the Prohibition of Chemical Weapons, within the meaning given to “inspector” by section 24(e) of the Chemical Weapons Act 1996⁽²⁵⁾, who has travelled to the United Kingdom for the purposes of an inspection.

22. Specialist aerospace engineer or worker

42.—(1) A specialist aerospace engineer, or a specialist aerospace worker, where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

- (a) “specialist aerospace engineer” means a person who is employed or otherwise engaged to provide engineering services for the purpose of ensuring the continued operation of aviation activities (including but not limited to the provision of maintenance and repair services for production lines, aviation components, grounded aircraft and new aircraft),
- (b) “specialist aerospace worker” means a person who is employed or otherwise engaged to provide services for the purpose of ensuring safety management and quality assurance as required by relevant standards, guidance and publications on aviation safety produced by the Civil Aviation Authority or the European Union Aviation Safety Agency⁽²⁶⁾.

⁽²²⁾ 2000 c. 5

⁽²³⁾ The Nuclear Decommissioning Authority was established by section 1 of the Energy Act 2004

⁽²⁴⁾ 1965 c. 57. Section 1 was substituted by paragraph 17 of Schedule 2 to the Energy Act 2013 (c. 32); by virtue of section 1(2), a licence described in section 1(1) is referred to as a “nuclear site licence”

⁽²⁵⁾ 1996 c. 6

⁽²⁶⁾ The Civil Aviation Authority was established under section 1(1) of the Civil Aviation Act 1971 (c. 75). That Act was replaced by a consolidating statute, the Civil Aviation Act 1982 (c. 16), section 2(1) of which provides for the continued existence of the Civil Aviation Authority. There are amendments to section 2 but none is relevant. The European Union Aviation Safety Agency was established by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/

23. Oil safety worker

43.—(1) A person engaged in operational, maintenance or safety activities of a downstream oil facility that has a capacity in excess of 20,000 tonnes, where —

(a) the downstream oil facility is engaged in a specified activity carried on in the United Kingdom in the course of a business, and contributes (directly or indirectly) to the supply of crude oil based fuels to consumers in the United Kingdom or persons carrying on business in the United Kingdom, and

(b) the activities are required to ensure continued safe operation of the facility, where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

(a) a facility has a capacity in excess of 20,000 tonnes at any time if it was used in the previous calendar year for the purposes of downstream oil sector activities in relation to more than that number of tonnes of oil,

(b) “specified activities” are—

(i) storing oil,

(ii) handling oil,

(iii) the carriage of oil by sea or inland water,

(iv) conveying oil by pipes,

(v) refining or otherwise processing oil.

24. Essential offshore (oil) worker

44.—(1) A worker undertaking, or required to commence—

(a) activities on or in relation to offshore installations,

(b) activities on or in relation to upstream petroleum infrastructure,

(c) critical safety work on offshore installations and wells that are being decommissioned or which are being preserved pending demolition or reuse, or

(d) activities for the provision of workers, goods, materials or equipment or other essential services required to support the safe operation of the activities referred to in paragraphs (a) to (c).

(2) For the purposes of sub-paragraph (1)—

(a) “offshore installations” has the meaning given in section 44 of the Petroleum Act 1998⁽²⁷⁾,

(b) “upstream petroleum infrastructure” has the meaning given in section 9H of that Act⁽²⁸⁾,

(c) “wells” has the meaning given in section 45A(10) of that Act⁽²⁹⁾.

25. Postal operator

45. A postal operator, as defined in section 27(3) of the Postal Services Act 2011⁽³⁰⁾, where they have travelled to the United Kingdom in the course of their work.

EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91

(27) 1998 c. 17. Section 44 was amended by paragraph 11 of Schedule 1 to the Energy Act 2008 (32)

(28) Section 9H was substituted by section 74(2) of the Energy Act 2016 (c. 20)

(29) Section 46A was inserted by section 75(1) of the Energy Act 2008

(30) 2011 c. 5

Status: This is the original version (as it was originally made).

26. Specialist technical worker (goods)

46. A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works or services (including commissioning, maintenance and repairs and safety checks) to ensure the continued production, supply, movement, manufacture, storage or preservation of goods, where they have travelled to the United Kingdom in the course of their work or otherwise to commence or resume their work.

Conditions for exemption from requirement to possess negative test result

47. P is exempt from the requirement to possess a negative test result under regulation 6 if P's skills are required for emergency works or services, but not if required for essential works or services (within the meaning of paragraph 46).

27. Specialist technical worker (waste management)

48. A worker with specialist technical skills where those specialist technical skills are required for essential or emergency works (including commissioning, maintenance, repairs and safety checks) or to fulfil contractual obligations or warranty specifications in, or in connection with, waste management facilities used for the management, sorting, treatment, recovery, or disposal of waste (including energy from waste), where they have travelled to the United Kingdom in the course of their work.

28. Medical courier

49. A person who has travelled to the United Kingdom for the purpose of transporting, material which consists of, or includes, human cells or blood which are to be used for the purpose of providing healthcare.

29. Medicines inspector

50. A person who is an "inspector" within the meaning of regulation 8(1) of the Human Medicines Regulations 2012⁽³¹⁾, or who has been appointed as an inspector under regulation 33 of the Veterinary Medicines Regulations 2013, and who has travelled to the United Kingdom to undertake activities in relation to that role.

30. Clinical trial worker

51.—(1) A person who—

(a) has travelled to the United Kingdom to—

(i) conduct a clinical trial within the meaning of "conducting a clinical trial" in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004⁽³²⁾,

(ii) undertake such activities as are necessary or expedient to prepare for the conduct of a clinical trial, or

(iii) in relation to a clinical trial, to carry out any necessary compliance activity that cannot be conducted remotely,

(b) is a "qualified person" within the meaning of regulation 43 of those Regulations, where they have travelled to the United Kingdom in order to undertake activities in relation to their role as such a person, or

⁽³¹⁾ [S.I. 2012/1916](#)

⁽³²⁾ [S.I. 2004/1031](#), to which there are amendments not relevant to these Regulations

- (c) is a “sponsor” within the meaning given in regulation 2(1) of those Regulations, or carries out the functions or duties of a sponsor, of a clinical trial and has travelled to the United Kingdom to undertake activities in relation to a clinical trial.

(2) For the purposes of sub-paragraph (1), “clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004.

31. Clinical investigation worker

52. A person who has travelled to the United Kingdom—

- (a) to conduct a “clinical investigation” within the meaning of the Medical Devices Regulations 2002⁽³³⁾,
- (b) to undertake such activities as are necessary or expedient to prepare for the conduct of a clinical investigation, or
- (c) to carry out any other necessary compliance activity in relation to a clinical investigation,

where none of these functions can be carried out remotely.

32. Qualified medicines worker

53. A person who is—

- (a) a “qualified person” within the meaning of regulation 41(2) of the Human Medicines Regulations 2012⁽³⁴⁾,
- (b) a “responsible person” within the meaning of regulation 45(1) of those Regulations,
- (c) “an appropriately qualified person responsible for pharmacovigilance” within the meaning of regulation 182(2)(a) of those Regulations, or
- (d) “a qualified person (manufacture)” as referred to in paragraph 8(2) of Schedule 2 to the Veterinary Medicines Regulations 2013,

where they have travelled to the United Kingdom in order to undertake activities in relation to their role as such a person.

33. Essential infrastructure worker

54.—(1) A person who has travelled to the United Kingdom for the purposes of their work in essential infrastructure industries including—

- (a) a person involved in essential maintenance and repair of data infrastructure required to reduce and resolve outages, or in the provision of goods and services to support these activities’ and
- (b) an information technology and telecommunications professional (including information technology consultant, quality analyst, software tester, systems tester, and telecommunications planner), whose expertise is required to—
 - (i) provide an essential or emergency response to threats and incidents relating to the security of any network and information system, and
 - (ii) ensure the continued operation of any network and information system.

(2) For the purposes of sub-paragraph (1), “network and information” system has the meaning in regulation 1(2) of the Network and Information Systems Regulations 2018⁽³⁵⁾.

⁽³³⁾ [S.I. 2002/618](#)

⁽³⁴⁾ [S.I. 2012/1916](#)

⁽³⁵⁾ [S.I. 2018/506](#)

Status: This is the original version (as it was originally made).

34. Communications networks worker

55. A person who is engaged in urgent or essential work—

- (a) that is necessary for the continued operation of—
 - (i) electronic communications networks and services as defined in section 32 of the Communications Act 2003⁽³⁶⁾, or
 - (ii) the BBC’s broadcasting transmission network and services,
- (b) in associated supply chain companies that maintain the confidentiality, integrity, and availability of the electronic communications networks and services and the BBC transmission network and services,

where they have travelled to the United Kingdom in the course of their work.

35. Subsea fibre optic worker

56. A person—

- (a) who is engaged in the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,
- (b) whose role directly supports the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,

where they have travelled to the United Kingdom in the course of their work.

36. Elite sportsperson

Definition

57.—(1) An elite sportsperson is a person who is—

- (a) a domestic elite sportsperson (see definition in paragraph 58),
 - (b) an international elite sportsperson (see definition in paragraph 59),
 - (c) a domestic ancillary sportsperson, (see definition in paragraph 60) or
 - (d) an international ancillary sportsperson (see definition in paragraph 61).
- (2) Further definitions relevant to this entry are given in paragraph 62.

58.—(1) For the purposes of this entry “domestic elite sportsperson” means an individual who is a domestic elite athlete.

(2) For the purposes of this entry “elite athlete” means an individual who—

- (a) derives a living from competing in a sport,
- (b) plays in a professional league or competition,
- (c) is a senior representative nominated by a relevant sporting body, or
- (d) is on an elite development pathway for a major competition.

59.—(1) For the purposes of this entry “international elite sportsperson” means an individual who is an international elite athlete.

(2) For the purposes of this paragraph “international elite athlete” means an individual who—

- (a) derives a living from competing in a sport,
- (b) plays in a professional league or competition,

⁽³⁶⁾ 2003 c. 21

- (c) is a senior representative nominated by a relevant sporting body, or
- (d) is on an elite development pathway for a major competition.

60. For the purposes of this entry “domestic ancillary sportsperson” means an individual essential to—

- (a) the running of an elite sports event, including—
 - (i) operational staff essential to the running of that elite sports event,
 - (ii) event officials and referees, or
- (b) the support of a domestic elite sportsperson, including—
 - (i) sports team medical, logistical, technical and administration staff,
 - (ii) individual domestic elite sportsperson medical and technical support staff,
 - (iii) horse grooms and trainers,
 - (iv) motorsport mechanics and technical staff,
 - (v) the parent or carer of a domestic elite sportsperson under the age of 18.

61. For the purposes of this entry “international ancillary sportsperson” means an individual essential to—

- (a) the running of a specified competition, including—
 - (i) operational staff essential to the running of a specified competition,
 - (ii) competition officials and referees,
 - (iii) broadcast staff and journalists covering a specified competition, or
- (b) the support of an international elite sportsperson, including—
 - (i) sports team medical, logistical, technical and administration staff,
 - (ii) individual international elite sportsperson medical and technical support staff,
 - (iii) horse grooms and trainers,
 - (iv) motorsport mechanics and technical staff,
 - (v) the parent or carer of an international elite sportsperson under the age of 18.

62. For the purposes of this entry—

“elite development pathway” means a development pathway established by a recognised national governing body of a sport to prepare sportspersons—

- (a) so that they may derive a living from competing in that sport, or
- (b) to compete in a major competition in that sport,

“elite sports event” means a specified competition or other sporting event in which the participants compete—

- (a) to derive a living, or
- (b) to qualify for the right to compete in a major competition,

“major competition” means the following, where they are scheduled to be held in 2021 or 2022—

- (a) the Olympic Games, Paralympic Games or Commonwealth Games,
- (b) a European, World or international championship organised by the international governing body of a sport, or national governing bodies of a sport,
- (c) an inter-county league or inter-county competition in Northern Ireland or Ireland, where that league or competition is organised by the national governing body of a sport,

Status: This is the original version (as it was originally made).

“major competition qualifying event” means a specified competition or other sporting event in which the participants compete to qualify for the right to compete in a major competition.

“relevant sporting body” in relation to a sportsperson means—

- (a) the recognised national governing body of a sport which may nominate athletes to compete in a major competition, or
- (b) the regional governing body of a sport which may nominate athletes to represent a county in Northern Ireland or Ireland in an inter-county league or inter-county competition, where that league or competition is organised by the national governing body of the sport,

“senior representative” means an individual who is considered by a relevant sporting body to be a candidate to qualify to compete—

- (a) in a major competition,
- (b) on behalf of a county in Northern Ireland or Ireland, in an inter-county league or inter-county competition where that league or competition is organised by the national governing body of a sport,

“specified competition” means a competition which is specified as such by the Department, and the Department may publish details of specified competitions in such manner as appears to it to be appropriate.

Condition for partial exemption from requirement to self-isolate

63.—(1) An elite sportsperson must provide, on arrival in Northern Ireland, written evidence from a United Kingdom, Northern Irish or Irish sport’s national governing body, that the elite sportsperson satisfies the definition of an elite sportsperson who is exempt under this entry.

(2) A domestic elite sportsperson must either—

- (a) have been outside Northern Ireland in order to compete in an elite sports event, and has returned to Northern Ireland with the intention of continuing activities as a sportsperson,
- (b) have been outside Northern Ireland in order to participate in training for a major competition or a major competition qualifying event and has returned to Northern Ireland with the intention of continuing activities as a sportsperson, or
- (c) be a United Kingdom sportsperson who is not habitually resident in the United Kingdom and has travelled to Northern Ireland in order to participate in training for, or to compete in, an elite sports event.

(3) An international elite sportsperson must have travelled to Northern Ireland in order to participate in a specified competition.

(4) A domestic ancillary sportsperson must either—

- (a) have been outside Northern Ireland in order to participate in the running of an elite sports event, or
- (b) have been outside Northern Ireland or in order to support a domestic elite sportsperson who satisfies sub-paragraph (2)(a) or (b),

and has returned to Northern Ireland with the intention of continuing activities as a domestic ancillary sportsperson.

(5) An international ancillary sportsperson must have travelled to Northern Ireland in order to—

- (a) participate in the running of an elite sports event, or
- (b) support an international elite sportsperson who satisfies paragraph (3).

Nature of partial exemption from requirement to self-isolate

64.—(1) Where P is a domestic elite sportsperson, P is not in breach of regulation 10 in respect of the following—

- (a) where P travels to, from or between, or attends the location of—
 - (i) an elite sports event in which P is competing,
 - (ii) training for an elite sports event,
- (b) where P enters into or remains in isolation with—
 - (i) domestic elite sportspersons or international elite sportspersons who are competing in, or training for that elite sports event, or
 - (ii) domestic ancillary sportspersons or international ancillary sportspersons involved in that elite sports event.

(2) Where P is an international elite sportsperson, P is not in breach of regulation 10 in respect of the following—

- (a) where P travels to, from or between, or attends the location of—
 - (i) the specified competition in which P is competing, or
 - (ii) training for the specified competition in which P is competing,
- (b) where P enters into or remains in isolation with—
 - (i) domestic elite sportspersons or international elite sportspersons who are competing in or training for that specified competition, or
 - (ii) domestic ancillary sportspersons or international ancillary sportspersons involved in that specified competition.

(3) Where P is a domestic ancillary sportsperson, P is not in breach of regulation 10 in respect of the following—

- (a) where P travels to, from, or between, or attends the location of—
 - (i) a place in which P's presence is essential to the running of an elite sports event,
 - (ii) a place in which P provides essential support to a domestic elite sportsperson who is competing or in training for an elite sports event,
- (b) where P enters into or remains in isolation with—
 - (i) domestic elite sportspersons or international elite sportspersons who are competing in or training for that elite sports event or any other elite sports event, or
 - (ii) domestic ancillary sportspersons or international ancillary sportspersons involved in that elite sports event or any other elite sports event.

(4) Where P is an international ancillary sportsperson, P is not in breach of regulation 10 in respect of the following—

- (a) where P travels to, from, or between, or attends the location of—
 - (i) a place in which P's presence is essential to the running of an elite sports event,
 - (ii) a place in which P provides essential support to an international elite sportsperson who is competing or in training for an elite sports event,
 - (iii) the specified competition, or
 - (iv) training for the specified competition,
- (b) where P enters into or remains in isolation with—
 - (i) domestic elite sportspersons or international elite sportspersons who are competing in or training for that that specified competition, or

- (ii) domestic ancillary sportspersons or international ancillary sportspersons involved in that specified competition.

37. Essential worker (film and high end TV productions)

- 65.—(1) A person engaged in film and high end TV production where—
- (a) Northern Ireland Screen has nominated and the Department for the Economy has approved both the production and the person engaged in production for the purposes of this paragraph,
 - (b) Northern Ireland Screen has committed to investing at least £1 million in the production,
 - (c) Northern Ireland Screen has confirmed that the presence of the person in Northern Ireland is essential to the production,
 - (d) the person provides, on arrival in Northern Ireland, written evidence from the Department for the Economy, that the person satisfies the definition of a person engaged in film and high end TV production for the purposes of this paragraph.
- (2) For the purposes of this paragraph—
- (a) a person is engaged in film production if engaged in the making of a film which is a British film for the purposes of Schedule 1 to the Films Act 1985⁽³⁷⁾,
 - (b) a person is engaged in high end TV production if working on the making of a television programme which is a British programme for the purposes of Part 15A of the Corporation Tax Act 2009.

⁽³⁷⁾ 1985 c. 1