
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 43

PUBLIC HEALTH

**The Health Protection (Coronavirus, International Travel,
Operator Liability and Information to Passengers)
(Amendment No. 2) Regulations (Northern Ireland) 2022**

Made - - - - 11th February 2022

Coming into operation in accordance with regulation 1

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

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 2) Regulations (Northern Ireland) 2022.

(2) Regulation 5(a) comes into operation at 4.00 a.m. on 16th February 2022.

(3) Regulations 10(3) and (5) come into operation at 4.00 a.m. on 28th February 2022.

(4) The other provisions of these Regulations come into operation at 4.00 a.m. on 11th February 2022.

(5) Subject to regulation 17, an amendment made by these Regulations does not apply in relation to a person arriving in Northern Ireland before the coming into operation of the provision containing the amendment.

Interpretation

2. In these Regulations—

(1) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), s. 1(5).

(2) 1967 c. 36 (N.I.). Part 1A was inserted by section 48 of, and Schedule 18 to, the Coronavirus Act 2020 (c. 7)

- (a) “the principal Regulations” means the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021(3).
- (b) “the Operator Liability Regulations” means the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021(4).

PART 2

Amendment of the Principal Regulations

Amendment of the principal Regulations

3. The principal Regulations are amended in accordance with this Part.

Extension of time for requirement to provide passenger information

- 4.—(1) Regulation 4 (requirement to provide information) is amended as follows.
 (2) In paragraphs (4), (6A)(b) and (7) for “48 hours” substitute “three days”.

Amendment of requirement to provide passenger information

5. Schedule 3 (Passenger information) is amended as follows—
- (a) in paragraph 1—
 - (i) omit sub-paragraph (b),
 - (ii) after sub-paragraph (c) insert—
 - “(ca) nationality,
 - (cb) travel document type,”
 - (b) omit paragraph 7,
 - (c) in paragraph 8(b), for “paragraph 6(5)” substitute “paragraph 8(5)”.

Removal of requirement for eligible non-red list arrival to book and undertake tests

- 6.—(1) Regulation 8 (requirement to book and undertake tests) is amended as follows—
- (a) in paragraph (1)(aa) for “a non-red list arrival” substitute “a non-eligible non-red list arrival”,
 - (b) in paragraph (11), in the definition of “testing package”, omit sub-paragraph (b).
- (2) Omit regulation 23(1)(caa) (contravention of paragraph 5A(2) of Schedule 6).
- (3) Omit regulation 25AA (contravention of paragraph 5A(2) of Schedule 6).
- (4) Omit regulation 27(14)(f) and (g) (fixed penalty notice for contravention of paragraph 5A(2) of Schedule 6).
- (5) Schedule 6 (requirement to book and undertake tests (mandatory testing after arriving in Northern Ireland)) is amended as follows—
- (a) in paragraph 1—

(3) S.R. 2021 No. 99 as amended by S.R. 2021 Nos. 108, 121, 132, 154, 189, 213, 214, 218, 225, 230, 241, 262, 278, 282, 284, 293, 301, 312, 313, 316, 322, 323, 340, 343 and S.R. 2022 No. 3

(4) S.R. 2021 No. 102 as amended by S.R. 2021 Nos. 189, 213, 214, 225, 230, 262, 278, 282, 301, 316, 323 and S.R. 2022 No. 3

- (i) in sub-paragraph (1), in the definition of “relevant isolation provisions”, omit sub-paragraph (a),
 - (ii) omit sub-paragraph (1A)(a),
- (b) omit paragraph 3,
- (c) omit paragraph 5,
- (d) omit paragraph 5A,
- (e) in paragraph 6—
 - (i) in sub-paragraph (1)(b) omit “, or in the case of an eligible non-red list arrival, a LFD test”,
 - (ii) omit sub-paragraph (2),
- (f) in paragraph 8—
 - (i) omit sub-paragraph (3)(c)(i),
 - (ii) omit sub-paragraph (3C),
 - (iii) omit sub-paragraph (3D),
- (g) in paragraph 9(1), omit “, other than a day 2 LFD test”,
- (h) omit paragraph 9A,
- (i) omit paragraph 11.

Relaxation of requirement for eligible non-red list arrival to book and undertake tests

- 7.—(1) Regulation 8 (requirement to book and undertake tests) is amended as follows—
- (a) after paragraph (7) insert—
 - “(7A) Where a test generates an inconclusive result, P must, as soon as practicable after receiving the inconclusive result, undertake a test (“a replacement test”) complying with the requirements of the test which produced the inconclusive result.”,
 - (b) in paragraph (9), after “including” insert “, for red list arrivals”,
 - (c) in paragraph (11), in the definition of testing package—
 - (i) in sub-paragraph (a) omit “, or a non-eligible non-red list arrival”,
 - (ii) after sub-paragraph (a) insert—
 - “(ab) in respect of a non-eligible non-red list arrival, a booking for a day 2 test”.
- (2) Schedule 6 (requirement to book and undertake tests (mandatory testing after arrival in Northern Ireland)) is amended as follows—
- (a) in paragraph 1(1), in the definition of “relevant isolation provisions”, omit sub-paragraph (b),
 - (b) in paragraph 2—
 - (i) in the heading, omit “and non-eligible non-red list”,
 - (ii) omit sub-paragraph (1)(b),
 - (c) in paragraph 4—
 - (i) in the heading, omit “and non-eligible non-red list”,
 - (ii) omit sub-paragraph (1)(b),
 - (d) after paragraph 4 insert—

“Consequences of test results (non-eligible non-red list arrivals)

4A.—(1) This paragraph applies in respect of non-eligible non-red list arrivals.

(2) The Department may issue guidance, and amend or extend existing guidance, on the course of action to be followed in consequence of a test result.

(3) The power under sub-paragraph (2) is without prejudice to any other power of the Department to issue guidance in respect of coronavirus.”

- (e) in paragraph 8(3)(c)(ii) for “to self-isolate, or are self-isolating, in accordance with regulations 10 to 13 (if different from their home address)” substitute “to stay during the period of 10 days beginning on the day after the date of their arrival in the United Kingdom (if different from their home address)”,
- (f) in paragraph 9(3), for the text from “Form A” to the end of sub-paragraph (3) substitute—

“Form A: negative test result

Your coronavirus (COVID-19) test result is negative. It’s likely you were not infectious when the test was done.

You should self-isolate again if you get symptoms of coronavirus (COVID-19) – get an NHS coronavirus (COVID-19) test from www.gov.uk/get-coronavirus-test and self-isolate until you get the results.

For advice on when you might need to self-isolate and what to do, go to <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-self-isolating-and-close-contacts>.

Form B: positive test result

Your coronavirus test result is positive. This means you probably have the virus. You should self-isolate.

For more information on self-isolating as an international arrival, go to <https://www.nidirect.gov.uk/information-and-services/coronavirus-covid-19/travel-advice-and-guidance>.

You may be contacted for contact tracing and to check that you are self-isolating.

You should not travel, including to leave the UK, during self-isolation.

Contact 111 if you need medical help. In an emergency dial 999.

Form C: unclear test result

Your coronavirus test result is unclear. It is not possible to say if you had the virus when the test was done.

You should take another test or self-isolate for 10 days from the day after your test date.

You may be contacted to check that you are self-isolating.”

Removal of requirement for non-eligible non-red list arrival to self-isolate

8.—(1) In regulation 2(1), in the definition of “isolation”, in sub-paragraph (a), omit “regulations 10 to 13, and”.

(2) Omit regulations 10 to 13 (obligation to self-isolate).

(3) Omit regulation 23(1)(d) (offence of failing to self-isolate).

(4) In regulation 27 (amount of fixed penalty)—

- (a) in paragraph (3)(b), omit “regulations 10 to 13, or”,
- (b) in paragraph (5), omit sub-paragraph (b) and the “or” immediately preceding it,
- (c) in paragraph (15), omit “or regulation 23(1)(caa)”.

Relaxation of requirements for workforce testing

9.—(1) Regulation 9A (requirement to undertake workforce tests) is amended as follows—

(a) for paragraph (1) substitute—

“(1) This paragraph applies in respect of a person (P) who is—

(a) exempt, by virtue of one of the provisions of Part 2 of Schedule 4 set out in paragraph (2), from the requirement to book and undertake tests under regulation 8, and

(b) a non-eligible non-red list arrival.”,

(b) for paragraph (3) substitute—

“(3) Subject to paragraphs (6) and (8), P must undertake a workforce test for day 2.”,

(c) in paragraph (5), omit sub-paragraphs (b) and (c),

(d) in paragraph (9), omit sub-paragraphs (d) and (e).

(2) Schedule 6A is amended as follows—

(a) omit paragraph 1,

(b) in paragraph 2—

(i) omit sub-paragraph (1)(b) and the “and” immediately preceding it,

(ii) for sub-paragraphs (2) and (3) substitute—

“(2) The Department may issue guidance, and amend or extend existing guidance, on the course of action to be followed in consequence of a test result.

(3) The power under sub-paragraph (2) is without prejudice to any other power of the Department to issue guidance in respect of coronavirus.”,

(iii) omit sub-paragraph (5),

(c) omit paragraphs 4 and 5.

Updates to relevant countries lists for eligible arrivals

10.—(1) Schedule 2B is amended as follows.

(2) In paragraph 10A insert entries in the appropriate places for—

“Cape Verde

El Salvador

Togo”.

(3) In paragraph 10A insert entries in the appropriate places for—

“Georgia

Lebanon

Moldova

Montenegro

New Zealand

Serbia

Singapore
Taiwan
Thailand
Tunisia
United Arab Emirates
Uruguay”.

(4) In paragraph 12 insert entries in the appropriate places for—

“Algeria
China
Guatemala
Iran
Kazakhstan
Kyrgyzstan
Macau SAR
Mexico
Sao Tome and Principe
South Sudan
Timor-Leste
Tonga
Turkmenistan”.

(5) In paragraph 12, omit the following entries—

Albania
Armenia
Israel
Morocco
North Macedonia
Panama
Turkey
Ukraine
Georgia
Lebanon
Moldova
Montenegro
New Zealand
Serbia
Singapore
Taiwan
Thailand
Tunisia
United Arab Emirates

Uruguay.

(6) Regulation 1 sets out different commencement dates for the different paragraphs of this regulation.

PART 3

Amendment of the Operator Liability Regulations

Amendment of the Operator Liability Regulations

11. The Operator Liability Regulations are amended in accordance with this Part.

Requirement to implement and maintain systems and processes

12.—(1) In regulation 2, omit the definitions of—

- (a) “the requirement to possess a managed isolation package”,
- (b) “the requirement to possess a testing package”, and
- (c) “responsible individual”.

(2) After regulation 7 insert—

“Requirement to implement and maintain processes and systems

7A.—(1) An operator must implement and maintain adequate processes and systems to ensure that passengers arriving in Northern Ireland on relevant services operated by the operator—

- (a) are in possession of a completed Passenger Locator Form, if they are passengers required to comply with regulation 4 of the International Travel Regulations,
- (b) are in possession of evidence that they are a person described in Schedule 4 to the International Travel Regulations, if they claim to be such a person in their Passenger Locator Form,
- (c) are in possession of a required notification, if they are passengers required to comply with regulation 6 of the International Travel Regulations,
- (d) are in possession of eligibility evidence, if they have indicated on their Passenger Locator Form that they meet the COVID-19 vaccination eligibility criteria,
- (e) arrive only at designated ports, if they are red list arrivals.

(2) For the purposes of paragraph (1) a passenger (“P”) is not considered to be required to comply with regulation 4 or 6 of the International Travel Regulations if the operator, or a person acting behalf of the operator, might reasonably believe that—

- (a) P is not required to comply with this requirement,
- (b) P has a reasonable excuse which would protect P from liability for breach of the requirement under regulation 23 or 24 of the International Travel Regulations, or
- (c) P is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation.

(3) An operator must retain such records and information as are required to show that they have complied with paragraph (1).

(4) An authorised person may request from an operator copies of such records and information as the authorised person considers are required to determine whether the operator has complied with paragraph (1).

(5) A request under paragraph (4) must specify the period within which the operator must provide the records and information requested.

(6) In determining whether an operator has complied with paragraph (1), an authorised person must have regard to the following matters so far as it has information about them—

- (a) the regime by which passengers are checked for compliance with the passenger requirements, together with the approach to retaining contemporaneous evidence obtained as a result of such checks,
- (b) the information the operator has collected about passengers who have not complied with a passenger requirement,
- (c) the existence and quality of any guidance or training programmes for those involved in the day-to-day operation of the processes and systems,
- (d) whether the operator has—
 - (i) appointed a named contact to assist the authorised person in determining whether the operator has complied with paragraph (1), and
 - (ii) notified the authorised person of the identity of that contact,
- (e) the speed and effectiveness of any response the operator makes to any recommendations made by the authorised person intended to secure the operator's compliance with paragraph (1),
- (f) any failure to comply with a request under paragraph (4),
- (g) any other matter the authorised person considers appropriate.

(7) An operator is not considered to be in breach of paragraph (1)(e) if—

- (a) it is necessary for the pilot in command of an aircraft to land the aircraft by means of which the transport service is provided at a place in Northern Ireland other than a designated port to secure—
 - (i) the safety and security of the aircraft, or
 - (ii) the safety or security of any person aboard the aircraft,
- (b) the aircraft is an air ambulance and it is landing otherwise than at a designated port for the purposes of transporting a person for medical treatment,
- (c) the pilot in command of the aircraft is instructed by an authorised person to land the aircraft at a place in Northern Ireland which is not a designated port.

(8) In this regulation—

“authorised person” means—

- (a) in relation to passengers arriving by sea, the Secretary of State for Transport,
- (b) in relation to passengers arriving by air, the Civil Aviation Authority,

“eligibility evidence” means—

- (a) evidence described in the following provisions of Schedule 2B to the International Travel Regulations (criteria to be an eligible arrival) paragraphs 2(d), 3(b), 4(b), 4A(1)(b), and 6(a)(ii),
- (b) where P intends to take advantage of the exemption in paragraph 5 of Schedule 2B to the International Travel Regulations (P aged under 18 years), evidence of P's age, or

- (c) a Passenger Locator Form which indicates that P's vaccine status is: "Vaccine Status: Verified Exempt/Full",
"red list arrival" has the meaning given in regulation 3 of the International Travel Regulations."
- (3) Omit regulations 3 to 7.
- (4) Regulation 8 is amended as follows—
 - (a) for paragraph (1) substitute—

"(1) An operator who fails to comply with the requirement in regulation 7A(1) commits an offence."
 - (b) after paragraph (2) insert—

"(2A) An operator who without reasonable excuse fails to comply—
 - (a) with the requirement to keep records and information in regulation 7A(3), or
 - (b) with a request under regulation 7A(4) to provide records and information within the period specified for the purposes of regulation 7A(5),commits an offence.

(2B) An offence under paragraph (2A) is punishable on summary conviction by a fine not exceeding £10,000."
 - (c) omit paragraphs (3) to (7).

Fixed penalty notices

- 13. After regulation 11 insert—

"Part 3A

Fixed penalty notices

Fixed penalty notices

- 11A.**—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person has reasonable grounds to believe—
- (a) has committed an offence under these Regulations, and
 - (b) is aged 18 or over.
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the clerk of petty sessions.
- (3) Where a person is issued with a notice under this regulation in respect of an offence—
- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice,
 - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (4) A fixed penalty notice must—
- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence,

- (b) state the period during which (because of paragraph (3)(a)) proceedings will not be taken for the offence,
- (c) specify the amount of the fixed penalty,
- (d) state the name and address of the person to whom the fixed penalty may be paid,
- (e) specify permissible methods of payment, and
- (f) inform the person to whom it is given of the right to ask to be tried for the offence.

(5) Whatever other method may be specified under paragraph (4)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (4)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(6) Where a letter is sent as described in paragraph (5), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) In any proceedings, a certificate that—

- (a) purports to be signed by or on behalf of the clerk of petty sessions, and
- (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

(8) Where—

- (a) a fixed penalty notice has been issued in respect of an offence under regulation 8(1) and paid in accordance with this regulation, and
- (b) the breach of the requirements amounting to the offence in respect of which the fixed penalty notice was issued continues,

an authorised person may issue another fixed penalty notice in relation to the offence (and the provisions of this regulation apply to that fixed penalty notice).

(9) In this regulation, “authorised person” means—

- (a) the Civil Aviation Authority, or
- (b) the Secretary of State for Transport.

Amount of fixed penalty

11B.—(1) This regulation sets out the amount which must be specified, in accordance with regulation 11A(4)(c), in a fixed penalty notice, in respect of different offences.

(2) Where the fixed penalty notice is issued in respect of an offence under regulation 8(1) then the amount specified must be £4,000.

(3) Where the fixed penalty notice is issued in respect of an offence under regulation 8(2A) then the amount specified must be £4,000.

(4) Where the fixed penalty notice is issued in respect of an offence under regulation 10(6) then the amount specified must be £4,000.

(5) Where the fixed penalty notice is issued in respect of an offence under regulation 10A(4) then the amount specified must be £500.

Effect of fixed penalty notice

11C.—(1) This regulation applies if a fixed penalty notice is given to any person under regulation 11A.

(2) If the person asks to be tried for the alleged offence, proceedings may be brought against the person.

(3) If by the end of the period mentioned in regulation 11A(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 11E for enforcement against that person as a fine.

(4) But the enhanced sum must not exceed £10,000.

Procedure where a fixed penalty notice has not been paid

Registration certificates

11D.—(1) This regulation and regulation 11E apply where by virtue of regulation 11C the enhanced sum may be registered under regulation 11E for enforcement against any person as a fine.

(2) In this regulation and regulation 11E—

- (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 Civil Aviation Authority or the Secretary of State for Transport—

- (a) may, in respect of any sum payable in default, issue a certificate (a “registration certificate”) stating that the sum is registrable under regulation 11E 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—

- (a) Civil Aviation Authority may authorise a person to carry out the functions of the Civil Aviation Authority,
- (b) Secretary of State for Transport may authorise a person to carry out the functions of the Secretary of State for Transport,

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

11E.—(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 11D(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 on a conviction of such court is to 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, 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

11F.—(1) This regulation applies where—

(a) a person who has received notice of the registration of a sum under regulation 11E 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 period of 28 days following the date of the fixed penalty notice.

(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 are 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 are void, and

(b) the case is to 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 (limitation of time) has 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).

(7) Paragraph (8) applies where, on the application of a person who has received notice of the registration of a sum under regulation 11E 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 is to 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 is to be taken to receive notice of the registration of a sum under regulation 11E 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 11E

11G.—(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 11E.

(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 are 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 are void, and
- (b) Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time) has 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).”.

Simplification of requirement to provide information to passengers

14.—(1) In regulation 2, omit the definition of “the information requirement”.

(2) Regulation 10 (requirement to provide information to passengers at certain times) is amended as follows—

- (a) for paragraph (1) substitute—

- “(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 is provided with the information required by regulations 10 and 11 (“the passenger information requirement”) and in the manner required by that regulation at each of the times specified in paragraph (2).”
- (b) in paragraph (2)—
- (i) omit sub-paragraph (a),
- (ii) for sub-paragraph (b) substitute—
- “(b) where a booking was made for the passenger to travel on the relevant service (“the pre-departure information requirement”)—
- (i) at least 24 hours prior to departure of the service, at least 24 hours prior to departure;
- (ii) within 24 hours prior to departure of the service, at any point prior to departure.”
- (iii) omit sub-paragraph (c),
- (iv) in sub-paragraph (d), at the end insert “(“the on-board information requirement”)”,
- (c) for paragraph (3) substitute—
- “(3) If another person (A) makes the booking on behalf of the passenger (whether or not A is also a passenger on the relevant service), the pre-departure information requirement is to be treated as complied with if the required information is provided to A in the required manner before the booking is 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.”
- (d) omit paragraphs (4) and (5),
- (e) in paragraph (6) for “the information requirement” substitute “paragraph (1)”,
- (f) in paragraph (8) for “paragraph (2)(a) to (c)” substitute “paragraph (2)(b)”,
- (g) in paragraph (9) for “the information requirement” substitute “that information”.
- (3) Regulation 11 (requirement to provide information to passengers in a certain manner) is amended as follows—
- (a) omit paragraph (1),
- (b) for paragraph (2) substitute—
- “(2) For the purposes of regulation 10(2)(b) (pre-departure information requirement), the required information—
- (a) may be provided orally or in writing;
- (b) where provided orally is the information specified in Part 1 of the Schedule;
- (c) where provided in writing is the information specified in Part 1 of the Schedule and—
- (i) where it is provided by electronic means, a hyperlink to each of the relevant websites;
- (ii) where it is provided other than by electronic means, the text of the URLs of each of the relevant websites;
- (iii) in any event, must be provided in a way that draws the passenger’s attention to it by being particularly prominent and distinct from other written information provided in relation to the booking.”

- (c) omit paragraph (3),
- (d) for paragraph (5) substitute—
 - “(5) In this regulation “the relevant websites” means the websites listed in Part 3 of the Schedule.”.
- (4) For the Schedule substitute—

“SCHEDULE

Regulation 11

Information for passengers

PART 1

Essential information to enter Northern Ireland from overseas

All persons arriving in the UK must fill in a Passenger Locator Form before arrival.

Before departure to the UK check if any of the countries you have visited in the last 10 days are on the red list.

If you have visited a country on the red list you must follow the red list rules.

If you have not visited any countries on the red list, what you have to do depends on your vaccination status. Check the rules before you travel at <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-travelling-northern-ireland-non-red-list-country>

Public health requirements may vary depending upon which nation of the UK you are travelling to. Check the relevant website if your final destination is in England, Scotland or Wales.

Failure to comply with these measures is a criminal offence and you could be fined. There are a limited set of exemptions from these measures. You may be fined if you fraudulently claim an exemption.

PART 2

Onboard announcement

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

If you are not fully vaccinated or do not meet the eligibility criteria, you must take a test before the end of day 2 after you arrive.

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.

Please follow the Public Health guidance for the area you are living or travelling in.

Visit [gov.uk/coronavirus](https://www.gov.uk/coronavirus) for more advice.

PART 3

Relevant websites

<https://www.gov.uk/guidance/red-list-of-countries-and-territories>

<https://www.gov.uk/guidance/travel-to-england-from-another-country-during-coronavirus-covid-19>

<https://www.gov.uk/provide-journey-contact-details-before-travel-uk>

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-international-travel-advice>

<https://gov.wales/arriving-wales-overseas>

<https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine>".

Records and information

15. After regulation 10 insert—

“Records and information

10A.—(1) An operator must keep records of the steps it has taken to comply with the requirements under regulation 10(1).

(2) An authorised person may request copies of the records and such other information from an operator as is necessary for the authorised person to determine whether the requirements under regulation 10(1) have been complied with.

(3) A request under paragraph (2) must specify the period within which the operator must provide the information to the authorised person.

(4) An operator who, without reasonable excuse, fails to comply—

(a) with the requirement to keep records in paragraph (1), or

(b) with a request under paragraph (2) to provide records or information within the period specified for the purposes of paragraph (3),

commits an offence.

(5) An offence under paragraph (4) is punishable on summary conviction by a fine not exceeding £10,000.

(6) In this regulation “authorised person” means—

(a) in relation to passengers arriving by sea, the Secretary of State for Transport,

(b) in relation to passengers arriving by air, the Civil Aviation Authority.”.

PART 4

Final

Correction of errors in previous Regulations

16.—(1) The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment) Regulations (Northern Ireland) 2022(5) are amended as follows—

(a) In regulation 7(4)(a), for “paragraph (3)” substitute “paragraph 8(3)”,

(b) In regulation 7(4)(b), for “sequenced” in the first place that it occurs, substitute “sequenced.”.

(2) In regulation 6(1)(aa) of the principal Regulations, omit “or”.

Transitional provisions

17.—(1) This regulation applies in respect of a person (P) who—

- (a) immediately before the coming into operation of regulation 10(2) or 10(4) of these Regulations was remaining in isolation in accordance with the principal Regulations, but
- (b) if P had arrived immediately after the coming into operation of regulation 10(2) or (4), P would not, by virtue only of the amendments made by regulation 10(2) or (4), be required to enter into isolation.

(2) P is not required to enter into or remain in isolation by virtue only of the principal Regulations as they were in force immediately before the coming into operation of regulation 10(2) or (4).

Sealed with the Official Seal of the Department of Health on 11th February 2022

(L.S.)

Dr Lourda Geoghegan
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) 2021 (the principal regulations) and The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021 (the Operator Liability Regulations).

Part 2 amends the principal Regulations.

Regulation 4 extends the time for passengers to complete their Passenger Locator Form from 2 days to 3 days.

Regulation 5 amends the information to be included in the Passenger Locator Form.

Regulation 6 removes the requirement for a fully vaccinated person (an eligible non-red list arrival) to book and undertake tests upon arrival in Northern Ireland.

Regulation 7 relaxes the requirement for an unvaccinated person (a non-eligible non-red list arrival) to book and undertake tests upon arrival in Northern Ireland. Rather than a day 2 and day 8 test, only a day 2 test is required. Rather than a legal obligation to self-isolate, the Department may now issue guidance on self-isolation if a test result is positive.

Regulation 8 removes the requirement for an unvaccinated person to self-isolate upon arrival.

Regulation 9 relaxes the requirements for workforce testing so that a test must only be taken on day 2 now.

Regulation 10 updates the list of countries whose vaccinations are recognised and the way in which those vaccinations are treated.

Part 3 amends the Operator Liability Regulations.

Regulation 12 introduces a new requirement upon operators of transport services to implement and maintain systems to ensure that passengers comply with the various travel rules. Rather than being fined for individual breaches by passengers of these rules, the operator is now only fined if they don't have proper systems in place.

Regulation 13 introduces a fixed penalty notice procedure for offences under the Operator Liability Regulations. This aligns with the procedure with the principal Regulations and allows for a fixed penalty notice to be issued rather than every case having to be dealt with in a court. A person can always elect to have the matter dealt with by a court. This regulation sets out the detailed procedures involved if a fixed penalty notice is challenged etc.

Regulation 14 simplifies the requirement for operators to provide information to passengers travelling to Northern Ireland. There are less different types of information to be provided at different times, and there is greater uniformity between the different ways that information may be provided.

Regulation 15 requires operators to keep records of how they have complied with their obligation to give information to passengers.

Regulation 16 corrects minor typographical and cross-referencing errors in previous Regulations.

Regulation 17 is a transitional provision which allows arrivals to be released from isolation early if their country of origin is now regarded as being safe in terms of vaccinations.

No impact assessment has been prepared for these Regulations.

