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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 99**

**The Health Protection (Coronavirus, International  
Travel) Regulations (Northern Ireland) 2021**

**PART 4**

Enforcement

*Enforcement powers*

**Enforcement of requirement to isolate**

**19.**—(1) Where a constable has reasonable grounds to believe that a person (P) has left or is outside of the place where they are isolating in contravention of these Regulations, the constable may—

- (a) direct P to return to the place where P is isolating,
- (b) remove P to the place where P is isolating,
- (c) where it is not practicable or appropriate in the circumstances to take the action in subparagraph (a) or (b), remove P to accommodation facilitated by the United Kingdom Government for the purposes of P's isolation.

(2) Paragraphs (1)(b) and (c) do not apply where P is a diplomat within the meaning of Schedule 4.

(3) A constable exercising the power in paragraph (1)(b) or (c) may use reasonable force, if necessary, in the exercise of the power.

(4) Where P is a child, and has left or is outside of the place where they are isolating and accompanied by an individual who has responsibility for them—

- (a) a constable may direct that individual to take P to the place where P is isolating, and
- (b) that individual must, so far as reasonably practicable, ensure that P complies with any direction given by the constable to P.

(5) Where P is a child, and a constable has reasonable grounds to believe that P is repeatedly failing to comply with the requirement to isolate, the constable may direct any individual who has responsibility for P to ensure, so far as reasonably practicable, that P so complies.

(6) A constable may only exercise a power in paragraph (1), (4) or (5) if the constable considers that it is a necessary and proportionate means of ensuring compliance with the requirement to isolate.

**Additional enforcement powers in respect of managed isolation**

**20.**—(1) This regulation sets out additional enforcement powers in respect of managed isolation under regulations 14 and 15 and Schedule 7 (“the managed isolation provisions”).

*Status: Point in time view as at 16/04/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021, Cross Heading: Enforcement powers. (See end of Document for details)*

(2) Where an authorised person has reasonable grounds to believe that P is subject to the managed isolation provisions, the authorised person may do any of the following for the purpose of ensuring that P complies with those provisions—

- (a) give a direction to P, including a direction—
  - (i) that P remain in a particular area of a port to await transportation to accommodation designed for the purposes of those provisions,
  - (ii) that P move to a particular place to board transportation designated for the purposes of those provisions,
  - (iii) that P board transportation designated for the purposes of those provisions to travel to accommodation designated for the purposes of those provisions,
  - (iv) that P remain in the place where P is isolating,
- (b) remove P to accommodation designated for the purposes of those provisions.

(3) This regulation does not apply where P is a diplomat within the meaning of Schedule 4.

(4) An authorised person exercising the power in paragraph (2)(b) may use reasonable force, if necessary, in the exercise of the power.

(5) An authorised person may only exercise a power in this regulation if the authorised person considers that it is a necessary and proportionate means of ensuring compliance with the managed isolation provisions.

(6) For the purposes of this regulation, “authorised person” means—

- (a) a constable, or
- (b) an immigration officer.

#### **Additional enforcement powers in respect of red list arrivals**

**21.—**(1) This regulation sets out additional enforcement powers in respect of red list arrivals.

(2) Where an authorised person has reasonable grounds to believe that P is a red list arrival and that P has committed an offence under regulation 23(1)(a) or 23(4), the authorised person may—

- (a) require P to produce their passport or travel document for examination,
- (b) detain P for up to three hours,
- (c) search P and any baggage belonging to P or under P's control, or any vehicle in which P has travelled, for evidence, other than items subject to legal privilege, that relates to the possible commission of an offence under regulation 23(4),
- (d) seize and retain any document or article recovered by a search under sub-paragraph (c).

(3) Paragraph (2) does not confer a power to detain or search an unaccompanied child.

(4) Any search under paragraph (2) must be conducted by an authorised person of the same gender as P.

(5) Paragraph (2) does not confer a power to conduct an intimate search.

(6) This regulation does not apply where P is a diplomat within the meaning of Schedule 4.

(7) An authorised person exercising the power in this regulation may use reasonable force, if necessary, in the exercise of the power.

(8) An authorised person may only exercise a power in this regulation if the authorised person considers that it is a necessary and proportionate means of ensuring compliance with the managed isolation provisions.

(9) For the purposes of this regulation, “authorised person” means—

- (a) a constable, or

- (b) an immigration officer.

**Power of entry in respect of managed isolation**

22.—(1) A constable may enter premises in order—

- (a) to search for a person who is suspected of committing an offence of contravening the requirement in paragraph 8 of Schedule 7,
- (b) to remove a person of the description in sub-paragraph (a) to accommodation designated by the Department for the purposes of Schedule 7.

(2) The power in paragraph (1) is exercisable if the constable—

- (a) has reasonable grounds to believe that a person of the description in paragraph (1)(a) is in or on the premises, and
- (b) has a reasonable belief that it is necessary and proportionate to enter the premises for the purposes specified in paragraph (1)(b).

(3) But the power in paragraph (1) does not authorise entry to any part of the premises which is used as a private dwelling, unless a magistrates' court has issued a warrant authorising this under paragraph (6).

(4) A constable exercising the power in paragraph (1) or executing a warrant under paragraph (6)

- (a) may use reasonable force if necessary, and
- (b) may be accompanied by a community support officer (within the meaning of the Police (Northern Ireland) Act 2003 <sup>M1</sup>).

(5) A constable exercising the power in paragraph (1) or executing a warrant under paragraph (6)

- (a) if asked by a person on the premises, must show evidence of the constable's identity and outline the purpose for which the power is being exercised, and
- (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the constable found them.

(6) If it is shown to the satisfaction of a magistrates' court on sworn information in writing that—

- (a) there are reasonable grounds to believe that a person of the description in paragraph (1) (a) is in or on the premises, and
- (b) it is necessary and proportionate to enter the premises for the purposes specified in paragraph (1)(b),

then the court may by signed warrant authorise a constable to enter the premises.

(7) In this regulation, “premises” includes any building or structure and any land.

**Marginal Citations**

M1 2003 c.6

**Status:**

Point in time view as at 16/04/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021, Cross Heading: Enforcement powers.