

EXPLANATORY MEMORANDUM TO

The Health Protection (Coronavirus, Travel from Denmark) (Amendment) Regulations (Northern Ireland) 2020

S.R. 2020 No. 261

1. Introduction

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

2. Purpose of the Regulations

- 2.1 The Statutory Rule amends the Health Protection (Coronavirus, Travel from Denmark) Regulations (Northern Ireland) 2020 to correct immediately the level of fine on summary conviction for breaching prohibitions in the principal regulations which had not been specified.
- 2.2 The Statutory Rule came into operation at 10.30 am on 18 November 2020.

3. Matters of special interest to the Northern Ireland Assembly

- 3.1 The Statutory Rule is made under the 1967 Act, in breach of the 21 day rule. This has been necessary to make a correction.

4. Legislative Context

- 4.1 The 1967 Act and regulations made under it provide a legislative framework for health protection in Northern Ireland.
- 4.2 Part 1A of the 1967 Act, as inserted by the Coronavirus Act 2020 (“the 2020 Act”), provides a legal basis to protect the public from threats arising from infectious disease or contamination with coronavirus, and includes powers to impose restrictions or requirements on people, and in relation to things and premises, for use in rare circumstances where voluntary cooperation cannot be obtained. Overall, Part 1A of the 1967 Act sets out a framework for health protection which requires much of the detailed provisions to be delivered through regulations.
- 4.3 Section 25C of the 1967 Act provides a power for the Department of Health to make regulations to prevent, protect against, control or provide a public health response to the incidence or spread of infection or contamination with coronavirus in Northern Ireland. The threat can come from outside Northern Ireland.
- 4.4 These Regulations are made under section 25B to enable a number of public health measures to be taken for the purpose of preventing danger to public health from arrivals into Northern Ireland. They are also made under 25F(2) which allows for creation of an offence.

5. Policy background

- 5.1 The temporary modifications to the 1967 Act made by the Coronavirus Act 2020 provide regulation making powers that were previously not available in Northern Ireland.
- 5.2 The Health Protection (Coronavirus, International Travel) (Amendment No. 18) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 241) to remove Denmark from the list of exempt countries or territories. This was on the basis that the health authorities in Denmark have reported widespread outbreaks of COVID-19 in mink farms, with subsequent spread of a mink-variant virus to the local community. The Chief Medical Officer therefore recommended that, as a precautionary measure, all those arriving or returning from Denmark should self-isolate for 14 days to reduce the risk of wider spread in the event that they are infected with the virus carrying these mutations.
- 5.3 Further to those Regulations, the principal Regulations were made on an urgent basis in order to prohibit aircraft and ships travelling directly from Denmark from landing or mooring in Northern Ireland unless they are not carrying passengers or are operated by or in support of Her Majesty's Government in the United Kingdom.
- 5.4 Operators who breach the prohibitions are guilty of an offence punishable with a fine on summary conviction not exceeding £10,000.

6. Consultation

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

7. Equality impact

- 7.1 Due to the rapidity of change, an Equality Impact Assessment screening was not conducted. The EQIA screening for the principal Regulations identified no disproportionate impact. Given these measures would reduce the transmission of coronavirus, there were positive benefits noted for those groups that are known to be, or suspected to be, more susceptible to the adverse effects of the virus, including older people, those with a disability and those in ethnic minority groups.
- 7.2 A human rights impact assessment was conducted for the principal Regulations to ensure compliance with the European Convention on Human Rights. This assessed the proportionality of the measures being taken and mitigations which could be considered to reduce the impact on human rights that the assessment identified.

8. Regulatory impact

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

9. Financial implications

- 9.1 Given the rapidly evolving global situation regarding the spread of coronavirus there has been no assessment of the financial impacts in relation to this Statutory Rule.
- 9.2 However it is likely there will be a financial impact on travel operators as there is potential for a reduction in demand as travellers may choose not to travel given the requirements in place.

10. Section 24 of the Northern Ireland Act 1998

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

11. EU implications

- 11.1 There are unlikely to be any EU implications.
- 11.2 This Statutory Rule does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

12. Parity or Replicatory Measure

- 12.1 Not applicable.

13. Additional information

- 13.1 Not applicable