

2021 No. 213

PUBLIC HEALTH

The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 2) Regulations (Northern Ireland) 2021

Made - - - - *16th July 2021*

Coming into operation - *at 4.00 a.m. on 19th July 2021*

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

Citation, commencement and interpretation

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) 2021 and shall come into operation at 4.00 a.m. on 19th July 2021.

(2) In these Regulations—

“the International Travel Regulations” means the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021^(c);

“the Passenger Information Regulations” means the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021^(d).

Amendment of the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021

2. The International Travel Regulations are amended in accordance with regulations 3 to 8.

Amendment to regulation 8

3.—(1) In paragraph 11(b) after “in respect of a green list arrival” and before “a booking of a day 2 test” insert “or an amber list arrival claiming the fully vaccinated traveller exemption”.

Amendment to regulation 10

4. In regulation 10(1) after “amber list arrival” insert “unless they are claiming the fully vaccinated traveller exemption”.

(a) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), s. 1(5)
(b) 1967 c. 36 (N.I.). Part 1A was inserted by section 48 of, and Schedule 18 to, the Coronavirus Act 2020 (c. 7)
(c) S.R. 2021 No. 99 as amended by S.R. 2021 Nos. 108, 121, 132, 154 and 189
(d) S.R. 2021 No. 102 as amended by S.R. 2021 No. 189

Amendment to Schedule 1

5. In Schedule 1 (Red list countries), at the appropriate place in alphabetical order, insert “Cuba”, “Indonesia”, “Myanmar”, and “Sierra Leone”.

Amendment to Schedule 2

6. In Schedule 2 (Green list countries), at the appropriate place in alphabetical order, insert “Bulgaria”, “Croatia”, “Hong Kong”, and “Taiwan” and omit “Balearic Islands” and “British Virgin Islands”.

Amendments to Schedule 4

7.—(1) In Schedule 4, in Part 1 (Persons who are exempt), in the table, after entry 37 insert the following entry—

38. Fully vaccinated traveller	Not Exempt	Not Exempt	Not Exempt	Exempt	Not Exempt
--------------------------------	------------	------------	------------	--------	------------

(2) In Schedule 4, in Part 2 (Definitions of persons who are exempt, conditions, limitations of exemption and savings), after paragraph 65 insert—

“38. *Fully vaccinated traveller*

66. A person (“P”) who on arrival in Northern Ireland has been in an amber list country (but not a red list country) in the 10 days prior to arriving in Northern Ireland and:

- (1)
 - (a) has completed a course of doses of an authorised vaccine with the final dose having been received at least 14 days prior to arriving in Northern Ireland;
 - (b) received that course of doses in the United Kingdom;
 - (c) is able to provide proof if required by an immigration officer or the operator of the relevant service on which P travels to Northern Ireland of meeting the requirements in sub-paragraph (b), through certification issued by the Department of Health, the NHS COVID pass or equivalent from NHS Scotland or NHS Wales; and
 - (d) has declared on the Passenger Locator Form that P has completed a course of an authorised vaccine; or
- (2)
 - (a) has participated, or is participating, in a clinical trial of a vaccine for vaccination against coronavirus carried out in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004(a);
 - (b) is able to provide proof of such participation; and
 - (c) has declared on the Passenger Locator Form that P has participated, or is participating, in such a clinical trial; or
- (3)
 - (a) is under the age of 18 years; and
 - (b) ordinarily resident in the United Kingdom; or
- (4) is either—

(a) S.I. 2004/1031, amended by s. 116 of the Care Act 2014 (c. 23) and by S.I. 2004/3224; 2005/2754, 2759; 2006/562, 1928, 2984; 2007/289, 3101; 2008/941; 2010/ 231, 551, 1882; 2011/2581; 2012/134, 504, 1641, 1916; 2013/532; 2016/190, 696; 2019/593, 744, 1094; 2020/1488

- (a) a person who—
 - (i) has completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas, with the final dose having been 14 days prior to arriving in Northern Ireland,
 - (ii) is able to provide proof if required by an immigration officer or the operator of the relevant service on which P travels to Northern Ireland of meeting the requirements in paragraph (i), and
 - (iii) has declared on the Passenger Locator Form that P has completed a course of doses of a vaccine as described in paragraph (i); or
 - (b) a dependant of a person of the description in any of paragraphs (a) to (c) of the definition of “United Kingdom vaccine roll-out overseas” and is under the age of 18 years upon arrival in Northern Ireland.
- (5) For the purposes of sub-paragraphs (1) and (4), P has completed a course of doses if P has received the complete course of doses specified—
- (a) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine; or
 - (b) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012^(a) for the authorised vaccine.
- (6) For the purpose of sub-paragraph (4), where P has received a dose of an authorised vaccine in the United Kingdom and a dose of a vaccine under the United Kingdom vaccine roll-out overseas, P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.
- (7) For the purposes of this paragraph, a child is to be treated as making a declaration on a Passenger Locator Form, and possessing any proof required, if that declaration is made, and the proof provided, by a person who is travelling with and has responsibility for that child.
- (8) In this paragraph—
- “authorised vaccine” means a medicinal product for vaccination against coronavirus—
 - (a) authorised for supply in the United Kingdom in accordance with a marketing authorisation, or
 - (b) authorised by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012;
 - “clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004;
 - “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989^(b);
 - “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989;
 - “the licensing authority” has the meaning given in regulation 6(2) (the licensing authority and the Ministers) of the Human Medicines Regulations 2012;
 - “marketing authorisation” has the meaning given in regulation 8(1) (general interpretation) of the Human Medicines Regulations 2012;
 - “medicinal product” has the meaning given in regulation 2 (medicinal products) of the Human Medicines Regulations 2012;
 - “NHS COVID pass” means the COVID-19 records on the NHS smartphone app developed and operated by the Secretary of State, through the website at NHS.uk or a COVID-19 post vaccination letter obtained from the NHS;

(a) S.I. 2012/1916
 (b) 1989 c. 6

“NHS” means the health service continued under section 1(1) of the National Health Service Act 2006(a);

“NHS Scotland” means the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978(b);

“NHS Wales” means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006(c);

“United Kingdom vaccine roll-out overseas” means the administration of vaccination against coronavirus to—

- (a) Crown servants, government contractors or other personnel posted or based overseas and their dependants under the scheme known as the Foreign, Commonwealth and Development Office staff COVID-19 vaccination programme;
- (b) residents of the British overseas territories, the Channel Islands and the Isle of Man, as part of a programme agreed in the overseas territory with the United Kingdom government; or
- (c) military or civilian personnel, government contractors and their dependants at a military posting overseas, including British overseas territories, the Channel Islands and the Isle of Man, under the vaccination scheme provided or approved by the UK Defence Medical Services.”.

Amendment to Schedule 6

8. In Schedule 6 (Requirement to book and undertake tests (mandatory testing after arrival in Northern Ireland) in paragraph 9(3)—

- (a) in the words below the heading “Form A”, after the words “If you took the test on day 8, you may stop isolating when you have completed your 10 day isolation period.” insert “If you have travelled from an amber list country and are within the fully vaccinated traveller exempt category you are not required to quarantine or take a day 8 test”.
- (b) in the words below the heading “Form B”, after “People you are travelling (or have travelled) with must still take a day 8 test” insert “, unless they are within the fully vaccinated traveller exempt category.”

Amendment to the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021

9. The Passenger Information Regulations are amended in accordance with regulations 10 to 12.

Insertion of new regulation 4A

10. After regulation 4 (requirement to ensure passengers possess notification of negative test result) insert—

“Requirement to check vaccination status

4A.—(1) An operator must ensure that a passenger who has indicated on the Passenger Locator Form an intention to take advantage of the fully vaccinated traveller exemption in Schedule 4 of the International Travel Regulations is in possession of the required evidence.

(2) In paragraph (1) “the required evidence” means—

- (a) evidence of the description in Schedule 4, Part 2 paragraph 66(1)(c), (2)(b) or (4)(a)(ii) of the International Travel Regulations; or

(a) 2006 c.41; section 1 was substituted by section 1 of the Health and Social Care Act 2012 (c. 7)
(b) 1978 c. 29
(c) 2006 c. 42

(b) where the passenger is aged under 18 years, evidence of the passenger's age.

(3) An operator must implement and maintain processes and systems to ensure that the requirement in paragraph (1) is complied with.

(4) An operator must retain records and information of the steps that it has taken to comply with paragraph (3).

(5) 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 paragraph (3) have been complied with.

(6) A request under paragraph (5) must specify the period within which the operator must provide the information to the authorised person.

(7) In paragraph (5) "authorised person" means—

(a) in relation to passengers arriving by sea, the Department for Infrastructure;

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

Amendment to regulation 8

11. In regulation 8 (offences)—

(a) in paragraph (1)(d), omit “or” and after that insert—

“(da) regulation 4A(1) ,

(db) regulation 4A(3), or”;

(b) after paragraph (4) insert—

“(4A) In relation to the offence in paragraph (1)(da) it is a defence for the operator to show that a passenger presented a document purporting to be the required evidence which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not the required evidence.

(4B) In relation to the offence in paragraph (1)(db) it is a defence for the operator to show that it was not reasonably practicable to have the processes and systems in place at the relevant time.”.

Amendment to the Schedule

12. In the Schedule—

(a) in Part 1, in paragraph 4 of the section headed “ESSENTIAL INFORMATION TO ENTER THE UK”, after “Everyone is required to take a coronavirus test on day 2, and arrivals from red list and amber list countries must also take a test on day 8 of their isolation” insert “unless you are exempt”;

(b) In Part 1, in paragraph 5 of the section headed “ESSENTIAL INFORMATION TO ENTER THE UK”, for “the UK” substitute “Northern Ireland”;

(c) In Part 2, in the second sentence of the Onboard announcement, after “within the first two days after you arrive” insert “even if you have been fully vaccinated”.

Sealed with the Official Seal of the Department of Health on 16th July 2021

(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 International Travel Regulations”).

Regulations 3 and 4 amend the International Travel Regulations so that a fully vaccinated amber list arrival does not need to self-isolate or take a day 8 test, in accordance with those regulations.

Regulation 5 makes amendments to Schedule 1 of the International Travel Regulations by adding “Cuba”, “Indonesia”, “Myanmar”, and “Sierra Leone”.

Regulation 6 makes amendments to Schedule 2 of the International Travel Regulations by adding “Bulgaria”, “Croatia”, “Hong Kong”, and “Taiwan” and omitting “Balearic Islands” and “British Virgin Islands”.

Regulation 7 makes amendments to Schedule 4 of the International Travel Regulations to introduce a new exempt category for fully vaccinated arrivals from amber list countries. A person who is in this category is exempt from the requirement to self-isolate that would otherwise apply and from the requirement to undertake a day 8 test post-arrival.

In order to avail of the exemption, the person in question must have proof of their exemption status and must make the appropriate declaration on their Passenger Locator Form. (The Passenger Locator Form contains passenger information and must be completed and produced if so required by the principal Regulations.)

Regulation 8 amends Schedule 6 of the International Travel Regulations as a consequence of the introduction of the new exemption.

These Regulations also amend the Health Protection (Coronavirus, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021 (“the Passenger Information Regulations”).

Regulation 10 imposes obligations on travel operators to check the evidence held by travellers claiming fully vaccinated exempt status to have systems and processes, and regulation 11 makes provision for the offences applicable in case of breaches of those obligations.

Regulation 12 amends the Schedule to the Passenger Information Regulations as a consequence of the fully vaccinated exemption, where they will be exempt from the requirement to self-isolate and undertake a day 8 test post-arrival.

No impact assessment has been prepared for these Regulations.

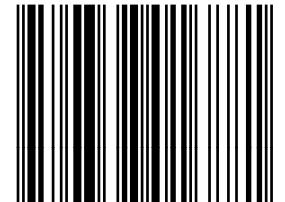
© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£6.90

<http://www.legislation.gov.uk/id/misr/2021/213>

ISBN 978-0-33-801688-1



9 780338 016881