

2021 No. 278

PUBLIC HEALTH

**The Health Protection (Coronavirus, International Travel,
Operator Liability and Information to Passengers) (Amendment
No. 7) Regulations (Northern Ireland) 2021**

Made - - - - *1st October 2021*

Coming into operation - *at 4.00 a.m. on 4th October 2021*

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

PART 1

General

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. 7) Regulations (Northern Ireland) 2021.

(2) Except as provided in paragraph (3) these Regulations come into operation at 4.00 a.m. on 4th October 2021.

(3) Regulation 13 comes into operation at 4.00 a.m. on 25th October 2021.

(4) 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.

(5) In these Regulations “the principal Regulations” means the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021(c).

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

(a) 2016 c. 5 (N.I.), s. 1(5)

(b) 1967 c. 36 (N.I.)

(c) S.R. 2021 No. 99 as amended by S.R. 2021 Nos. 108, 121, 132, 154, 189, 213, 214, 218, 225, 230, 241 and 262

(d) S.R. 2021 No. 102 as amended by S.R. 2021 No. 189, 213, 214, 225, 230 and 262

PART 2

Amendment of the principal Regulations

Introductory

2. The principal Regulations are amended as set out in the following provisions of this Part.

Interpretation

3. In regulation 2(1) (definitions), insert the following definitions at the appropriate places—

““eligible”, in relation to a non-red list arrival, is to be read in accordance with regulation 3A(2),”;

““non-eligible”, in relation to a non-red list arrival, is to be read in accordance with regulation 3A(3),”;

““non-red list arrival” and “non-red list country” have the meanings given by regulation 3,”;

““red list arrival” and “red list country” have the meanings given by regulation 3,”.

Non-red list countries and non-red list arrivals

4.—(1) Regulation 3 (interpretation: red, amber, amber plus and green list countries and arrivals) is amended as mentioned in paragraphs (2) to (4).

(2) In the heading, for “red, amber, amber plus and green list” substitute “red list and non-red list”.

(3) In paragraph (1)—

(a) after the definition of “red list country” insert—

““non-red list country” means a country or territory which is not a red list country and not in the common travel area,”;

(b) omit the definitions of—

“amber list country”,

“amber plus list country”, and

“green list country”.

(4) In paragraph (2)—

(a) in paragraph (b) of the definition of “red list arrival”, omit “has”;

(b) after the definition of “red list arrival” insert—

““non-red list arrival” means a person who—

(a) has arrived in Northern Ireland,

(b) has been outside the common travel area at any time in the period beginning with the 10th day before the date of their arrival in Northern Ireland, and

(c) is not a red list arrival.”;

(c) omit the definitions of—

“amber list arrival”, and

“green list arrival”.

(5) Omit Schedules 2 and 2A (green list countries and amber plus list countries).

“Eligible” and “non-eligible” non-red list arrivals

5.—(1) Regulation 3A (fully vaccinated amber list arrivals) is amended as follows.

- (2) For the heading substitute ““Eligible” and “non-eligible” non-red list arrivals”.
- (3) Omit paragraph (1).
- (4) In paragraph (2), for the words from the beginning to “if” substitute “A person (P) who is a non-red list arrival is an “eligible” arrival for the purposes of these Regulations if”.
- (5) After paragraph (2) insert—
- “(3) A person who is a non-red list arrival is a “non-eligible” arrival for the purposes of these Regulations if that person is not an eligible arrival (within the meaning given by paragraph (2)).”
- (6) Schedule 2B (criteria to be a fully vaccinated amber list arrival) is amended as follows.
- (7) In the heading, for “a fully vaccinated amber list” substitute “an eligible”.
- (8) In paragraph 1, for “a fully vaccinated amber list” substitute “an “eligible””.
- (9) In paragraph 2—
- (a) omit “or” at the end of sub-paragraph (d)(ii);
- (b) at the end of sub-paragraph (d)(iii) insert “or”;
- (c) after sub-paragraph (d)(iii) insert—
- “(iv) a vaccine certificate,”;
- (d) in sub-paragraph (f) omit “for reduced isolation and testing requirements”.
- (10) In paragraph 3(c) omit “for reduced isolation and testing requirements”.
- (11) In paragraph 4(c) omit “for reduced isolation and testing requirements”.
- (12) In paragraph 6(a)(iii) omit “for reduced isolation and testing requirements”.
- (13) For paragraph 7 substitute—
- “7.—**(1) For the purposes of paragraph 2—
- (a) P has completed a course of doses if P has received the complete course of doses specified—
- (i) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
- (ii) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 (supply in response to spread of pathogenic agents etc) of the Human Medicines Regulations 2012 for the authorised vaccine;
- (b) if P has received a dose of one authorised vaccine and a dose of a different authorised vaccine, P is deemed to have completed a course of doses of an authorised vaccine.”.
- (14) Omit paragraphs 7A, 8 and 8A.
- (15) Before paragraph 9 insert—
- “7B.—**(1) For the purposes of paragraph 6—
- (a) P has completed a course of doses of a vaccine if P has received the complete course of doses of the vaccine as specified in the manufacturer’s guidance for that vaccine;
- (b) 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;
- (c) where P has received a dose of one vaccine under the United Kingdom vaccine roll-out overseas, and a dose of a different 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.”.

(16) In paragraph 10—

(a) in the definition of “authorised vaccine”—

- (i) in the words before paragraph (a), for “authorised—” substitute “which—”;
- (ii) in paragraph (a), after “in relation to doses received in the United Kingdom” insert “, is authorised”;

(iii) for paragraph (b) substitute—

“(b) in relation to doses received in a relevant country listed in the table in paragraph 11, is authorised for supply in that relevant country following evaluation by the regulator for that relevant country,

(c) in relation to doses received in a relevant country listed in paragraph 12, would be authorised as described in paragraph (a)(i) or (ii) if the doses were received in the United Kingdom,”;

(b) after the definition of “clinical trial” insert—

““the COVID-19 vaccination eligibility criteria” means the conditions in any of paragraphs 2 to 6,”;

(c) in the definition of “marketing authorisation”, in paragraph (b)—

- (i) after “relevant country” insert “listed in the table in paragraph 11”;
- (ii) for “the relevant regulator for the country” substitute “the regulator for that relevant country”;

(d) after the definition of “NHS Wales” insert—

““regulator”, in relation to a relevant country listed in the table in paragraph 11, means the regulator identified in the corresponding row of the second column of the table in that paragraph, and a reference to a regulator in that table is a reference to the regulatory authority of that name designated as a Stringent Regulatory Authority by the World Health Organization pursuant to the operation of the COVAX Facility,”;

(e) in the definition of “relevant country”, after “paragraph 11” insert “or a country or territory listed in paragraph 12”;

(f) omit the definition of “relevant regulator”;

(g) after the definition of “United Kingdom vaccine roll-out overseas” insert—

““vaccine certificate” means a certificate in English, French or Spanish issued by the competent health authority of a relevant country which contains—

- (a) P’s full name;
- (b) P’s date of birth;
- (c) the name and manufacturer of the vaccine that P received;
- (d) the date that P received each dose of the vaccine;
- (e) details of either the identity of the issuer of the certificate or the country of vaccination, or both.”.

(17) In paragraph 11 in the words before the table, for “the definitions of “relevant country” and “relevant regulator”” substitute “paragraph 10”.

(18) In the table in paragraph 11, insert the following entries at the appropriate places—

Australia	The Therapeutic Goods Administration
Canada	Health Canada

(19) After paragraph 11 insert—

“**12.** The countries and territories referred to in the definitions of “authorised vaccine” and “relevant country” are—

Antigua and Barbuda
Bahrain
Barbados
Brunei
Dominica
Israel
Japan
Kuwait
Malaysia
New Zealand
Qatar
Saudi Arabia
Singapore
South Korea
Taiwan
United Arab Emirates”.

Requirement to provide information

- 6.—(1) In regulation 4(1) (persons to whom regulation 4 applies)—
- (a) at the end of sub-paragraph (a) insert “or”;
 - (b) after that sub-paragraph insert—
 - “(aa) a non-red list arrival.”;
 - (c) omit sub-paragraphs (b) and (c).
- (2) In Schedule 3 (passenger information), in paragraph 5, omit sub-paragraphs (b) and (d).

Requirement to possess notification of negative test result

7. In regulation 6(1) (persons to whom regulation 6 applies)—
- (a) at the end of sub-paragraph (a) insert “or”;
 - (b) after that sub-paragraph insert—
 - “(aa) a non-eligible non-red list arrival.”;
 - (c) omit sub-paragraphs (b) and (c).

Requirement to book and undertake tests

- 8.—(1) Regulation 8 (requirement to book and undertake tests) is amended as follows.
- (2) In paragraph (1)—
- (a) at the end of sub-paragraph (a) insert “or”;
 - (b) after that sub-paragraph insert—
 - “(aa) a non-red list arrival.”;
 - (c) omit sub-paragraphs (b) and (c).
- (3) In paragraph (11), in the definition of “testing package”—
- (a) in paragraph (a), for “or an amber list arrival,” substitute “, or a non-eligible non-red list arrival,”;
 - (b) in paragraph (b) for “a green list arrival” substitute “an eligible non-red list arrival”.

- (4) In Schedule 6 (further provision about requirement to book and undertake tests)—
- (a) in paragraph 1(1)—
 - (i) in paragraph (a) of the definition of “default isolation period”, for “green or amber” substitute “non-eligible non-red”;
 - (ii) in paragraph (a) of the definition of “relevant isolation provisions”, for “a green” substitute “an eligible non-red”;
 - (iii) in paragraph (b) of the definition of “relevant isolation provisions”, for “an amber” substitute “a non-eligible non-red”;
 - (b) in the heading before paragraph 2, and in paragraph 2(1)(b), for “amber” substitute “non-eligible non-red”;
 - (c) in the heading before paragraph 3, and in paragraph 3(1), for “green” substitute “eligible non-red”;
 - (d) in the heading before paragraph 4, and in paragraph 4(1)(b), for “amber” substitute “non-eligible non-red”;
 - (e) in the heading before paragraph 5, and paragraph 5(1), for “green” substitute “eligible non-red”;
 - (f) in paragraph 8(3)—
 - (i) in paragraph (c) for “a green” substitute “an eligible non-red”;
 - (ii) in paragraph (d) for “an amber” substitute “a non-eligible non-red”;
 - (g) in paragraph 8(6)(h) for “an amber or” substitute “a”;
 - (h) in paragraph 9(3)—
 - (i) in the heading to Form A, for “red and amber list” substitute “red list and non-eligible non-red list”;
 - (ii) in the second paragraph of Form A, for the words from “an amber” to “exempt category” substitute “a non-red list country and meet the requirements to be an “eligible” arrival”;
 - (iii) in the heading to Form B, for “red and amber list” substitute “red list and non-eligible non-red list”;
 - (iv) in the fourth paragraph of Form B, for “are within the fully vaccinated traveller exempt category” substitute “meet the requirements to be “eligible” arrivals”;
 - (v) in the heading to Form C, for “red and amber list” substitute “red list and non-eligible non-red list”;
 - (vi) in the headings to Form D, Form E and Form F for “green” substitute “eligible non-red”;
 - (i) in the heading before paragraph 11, for “green” substitute “eligible non-red”;
 - (j) in paragraph 11—
 - (i) in sub-paragraph (1) for “a green” substitute “an eligible non-red”;
 - (ii) in sub-paragraph (2) for “amber” substitute “non-eligible non-red”.

Requirement to undertake workforce tests

9. In regulation 9A (requirement to undertake workforce tests), in paragraph (3)(a) for “a green” substitute “an eligible non-red”.

Requirement to self-isolate

10. In regulation 10(1) (persons to whom regulation 10 applies), for the words from “an amber” to “regulation 3A” substitute “a non-eligible non-red list arrival”.

Amount of fixed penalty

11. In regulation 27 (amount of fixed penalty), in each of—

- (a) paragraph (2),
- (b) paragraph (3), and
- (c) paragraph (7)(b),

for “green or amber” substitute “non-eligible non-red”.

Exemptions

12.—(1) Part 2 of Schedule 4 (persons who are exempt from requirements) is amended as follows.

(2) In paragraph 11(a) for “an amber” substitute “a non-eligible non-red”.

(3) In paragraph 15(1)(b)—

- (a) for “green” substitute “non-red”;
- (b) omit “or amber list country”.

Managed isolation: persons with severe conditions

13. In paragraph 20(1)(c) of Schedule 7 (managed isolation), for “the matters specified in paragraphs (a) and (b)” substitute—

“—

- (i) the severe medical or health condition that P has;
- (ii) the support reasonably needed by P to manage P’s medical or health condition if required to isolate in designated accommodation; and
- (iii) the probable impact to P’s health if P were to be required to isolate in designated accommodation and the support identified as being reasonably needed were not provided.”.

PART 3

Amendment of the Operator Liability Regulations

Introductory

14. The Operator Liability Regulations are amended as set out in the following provisions of this Part.

Requirement to check vaccination status

15.—(1) Regulation 4A (requirement for operator to check vaccination status of passengers) is amended as follows.

(2) In paragraph (1), for the words from “who” to “Regulations” substitute “who is not a verified eligible arrival, but has indicated on the Passenger Locator Form that they are eligible,”.

(3) In paragraph (2)(a) for the words from “Schedule 2B” to “6(a)(ii)” substitute paragraph 2(d) or (e), 3(b), 4(b) or (d) or 6(a)(ii) of Schedule 2B”.

(4) After paragraph (7) insert—

“(7A) For the purposes of this regulation—

- (a) a person is an “eligible arrival” if the person complies with any of paragraphs 2 to 6 of Schedule 2B to the International Travel Regulations;

- (b) a “verified eligible arrival” means an eligible arrival whose Passenger Locator Form indicates that their vaccine status is “Vaccine Status: Verified Full/Exempt”.

Essential information to be given to passengers

16.—(1) In Part 1 of the Schedule (essential information to be given to passengers), in the section headed “ESSENTIAL INFORMATION TO ENTER THE UK”—

- (a) in paragraph (3)—
- (i) for “All arrivals from amber list countries” substitute “If you are an arrival from a non-red list country and you do not meet the requirements to be an “eligible” arrival, you”;
 - (ii) omit “green list, amber list and”;
- (b) in paragraph (4), for “arrivals from red list and amber list countries must also take a test on day 8 of their isolation” substitute “if you are an arrival from a red list country, or you are an arrival from a non-red list country and do not meet the requirements to be an “eligible” arrival, you must also take a test on day 8 of your isolation”.
- (2) In Part 2 of the Schedule (information to be given orally before passengers disembark)—
- (a) in the second paragraph of the onboard announcement for “red or amber list” substitute “red list, or you are not an “eligible” arrival and have been in or transited through any non-red list countries,”;
 - (b) in the third paragraph of the onboard announcement for “an amber or red country within the previous 10 days” substitute “a red list country within the previous 10 days, or you are not an “eligible” arrival and have been in or transited through a non-red list country within the previous 10 days,”.

Sealed with the Official Seal of the Department of Health on 1st October 2021

(L.S.)

Dr Lourda Geohegan
A senior officer of the Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021 (S.R. 2021 No 99) (“the principal Regulations”) and the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021 (S.R. 2021 No. 102) (“the Operator Liability Regulations”).

Regulation 5 amends Regulation 3A of the principal Regulations and creates a new category of traveller known as an “eligible arrival” who if fully vaccinated and arriving in Northern Ireland from a list of specified countries, is exempted from the need to comply with the obligation to have proof of a negative test on arrival, to take a “day 8 test” or to self-isolate.

Regulations 6 to 12 make amendments to the existing categories of travellers as a consequence of the new framework on non-eligible and eligible non-red list arrivals.

Regulation 13 changes the nature of the medical evidence that travellers from red list countries and territories must provide if they seek exemption from the obligation to quarantine in designated accommodation.

Regulations 15 and 16 make amendments to the Operator Liability Regulations.

Regulation 15 relieves operators of the obligation to check evidence of vaccination where a traveller’s Passenger Locator Form has had appropriate evidence uploaded to it, and which states that the evidence has been verified.

Regulation 16 changes the information that operators must give to passengers to reflect the changes made by these Regulations.

The other provisions of these Regulations make minor and consequential amendments.

An impact assessment has not been produced for this instrument.

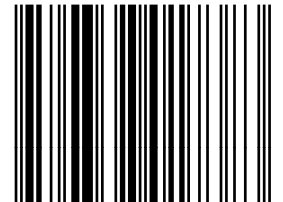
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