

## 2021 No. 301

### PUBLIC HEALTH

#### The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 9) Regulations (Northern Ireland) 2021

*Made* - - - - *19th November 2021*

*Coming into operation* -at 4.00 a.m. on 22nd November 2021

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

#### **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. 9) Regulations (Northern Ireland) 2021.

(2) These Regulations come into operation at 4.00 a.m. on 22nd November 2021.

(3) 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.

(4) In these Regulations “the principal Regulations” means the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021<sup>(c)</sup>.

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

#### **Amendment of the principal Regulations**

**2.** The principal Regulations are amended as mentioned in regulations 3 to 10.

#### **Amendment of regulation 2 (Interpretation)**

**3.** In regulation 2(1)—

(a) after the definition of “eligible”, insert—

““EU Digital COVID Certificate” means a certificate of COVID-19 records issued by either a member state of the European Union, European Economic Area or the European Free Trade Association, or a European microstate;

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(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, 262, 278, 282, 284 and 293

(d) S.R. 2021 No. 102 as amended by S.R. 2021 Nos. 189, 213, 214, 225, 230, 262, 278 and 282

“European microstate” means Andorra, Monaco, San Marino, the Sovereign Order of St John, or the Vatican City State.”;

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

““North American Certificate” has the meaning given in Schedule 2B;”.

**Amendment of regulation 3 (Interpretation: red list and non-red list countries and arrivals)**

4. In regulation 3, after paragraph (3), insert—

“(4) A reference to a country does not include a reference to the overseas territories and dependencies of that country unless otherwise stated.”.

**Amendment of regulation 6 (Requirement to possess notification of negative test result)**

5. In regulation 6(7), in sub-paragraph (a), for “Covid” substitute “COVID”.

**Amendment of regulation 10 (Requirement to self-isolate)**

6. In regulation 10, omit paragraph (4).

**Amendment of regulation 11 (Limitations to, and exceptions from, requirement to self-isolate)**

7. In regulation 11(2), omit sub-paragraphs (d)(i) and (e)(i).

**Amendment of regulation 19 (Enforcement of requirement to isolate)**

8. In regulation 19—

(a) in paragraph (4), after “child” insert “who has arrived in Northern Ireland from a red list country”;

(b) in paragraph (5), after “child” insert “who has arrived in Northern Ireland from a red list country”.

**Amendment to Schedule 2B (Criteria to be an eligible arrival)**

9. In Schedule 2B—

(a) in paragraph 2—

(i) omit sub-paragraph (b);

(ii) after sub-paragraph (d)(ii), insert—

“(iia) a North American Certificate;

(iib) a certificate of COVID-19 records issued by an approved third country or territory;”;

(iii) in sub-paragraph (d)(iii) omit “or”;

(iv) in sub-paragraph (d)(iv) for “,” substitute “, and”;

(v) omit sub-paragraph (e);

(b) in paragraph 4—

(i) at the end of sub-paragraph (b), insert “ and”;

(ii) in sub-paragraph (c) omit “, and”;

(iii) omit sub-paragraph (d);

(c) in paragraph 5—

(i) in sub-paragraph (a) omit “, and”;

- (ii) omit sub-paragraph (b);
- (d) in paragraph 6—
  - (i) in the opening words, omit “either”;
  - (ii) at the end of sub-paragraph (a), omit “, or”;
  - (iii) omit sub-paragraph (b);
- (e) in paragraph 7, after sub-paragraph (a), insert—
  - “(aa) if P has received at least 2 doses of any of the vaccines referred to in sub-paragraph (c) of the definition of “authorised vaccine” in paragraph 10, P is deemed to have completed a course of doses of an authorised vaccine.”;
- (f) in paragraph 7B, after sub-paragraph (2)(b), insert—
  - “(ba) a North American Certificate;
  - (bb) a certificate of COVID-19 records issued by an approved third country or territory;
  - ”;
- (g) in paragraph 10—
  - (i) in the definition of “authorised vaccine”, in sub-paragraph (c), for the words from “would be authorised” to the end, substitute—
    - “—
    - (i) would be authorised as provided for in sub-paragraph (a)(i) or (ii) if the doses were received in the United Kingdom, or
    - (ii) are listed in lines 10, 11 or 13 of the guidance document “Status of COVID-19 Vaccines within WHO EUL/PQ Evaluation Process” published by the World Health Organisation on 11th November 2021(a), and authorised or certified in a regulated country listed in paragraph 12.”;
  - (ii) in the definition of “NHS COVID pass”—
    - (aa) after “records” insert “available”;
    - (bb) after “NHS.uk or” insert “in”;
  - (iii) after the definition of “NHS Wales” insert—
    - ““North American Certificate” means, in relation to a State, District or Province listed in the table in paragraph 10B, the certificate identified in the corresponding row of the second column of that table;”;
- (h) after paragraph 10, insert—
  - “10A. The following countries and territories are approved third countries or territories for the purposes of this Schedule—
  - Albania
  - Armenia
  - Faroe Islands
  - Israel
  - Morocco
  - North Macedonia
  - Panama
  - Turkey
  - Ukraine.

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(a) A copy may be downloaded from [https://extranet.who.int/pqweb/sites/default/files/documents/Status\\_COVID\\_VAX\\_11Nov2021.pdf](https://extranet.who.int/pqweb/sites/default/files/documents/Status_COVID_VAX_11Nov2021.pdf). A hard copy may be obtained from the Department of Health and Social Care, 39 Victoria Street, London, SW1H 0EU

10B. The table referred to in the definition of “North American Certificate” in paragraph 10 is—

<i>State, District or Provence</i>	<i>Certificate Name</i>
New York	Excelsior Pass Plus
California	Digital COVID-19 Vaccine Record
Washington State	WA Verify”

- (i) In paragraph 11, in the opening words, after “paragraph 10” insert “except in the definition of “North American Certificate””;
- (j) In paragraph 12, in the list of countries and territories, at the appropriate places insert entries for—

“Belarus  
 Bolivia  
 British Antarctic Territory  
 British Indian Ocean Territory  
 British Virgin Islands  
 Democratic Republic of Congo  
 Dominican Republic  
 Ecuador  
 Falkland Islands  
 Guernsey  
 Isle of Man  
 Jersey  
 Laos  
 Libya  
 Malawi  
 Montserrat  
 Mozambique  
 Pitcairn, Henderson, Ducie and Oeno Islands  
 Samoa  
 Senegal  
 South Georgia and the South Sandwich Islands  
 the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus  
 St Helena, Ascension and Tristan da Cunha  
 Turks and Caicos Islands  
 Vanuatu  
 Zambia  
 Zimbabwe”.

**Amendments to Schedule 4 (Persons who are exempt)**

10.—(1) In Part 1 (Persons who are exempt), in the table, for entries 4, 5, 6, 7, 8, 9, 10, 11, 14, 15 and 16 substitute the following entries—

“4. Foreign official	Exempt	Exempt (unless red	Exempt	Exempt	Exempt
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(border work)		list arrival)			
5. Seamen and masters	Exempt	Exempt (unless red list arrival)	Exempt	Exempt (residency condition) Partial exemption (work condition)	Exempt (residency condition) Partial exemption (work condition)
6. Pilots (maritime)	Exempt	Exempt (unless red list arrival)	Exempt	Exempt (residency condition) Partial exemption (work condition)	Exempt (residency condition) Partial exemption (work condition)
7. Ship Inspectors	Exempt	Exempt (unless red list arrival)	Exempt	Exempt (residency condition) Partial exemption (work condition)	Exempt (residency condition) Partial exemption (work condition)
8. Air crew	Exempt	Exempt (unless red list arrival)	Exempt	Exempt	Exempt
9. Transit passenger	Certain categories exempt, conditions apply	Not exempt	Exempt	Exempt	Exempt
10. Road haulage worker	Exempt	Exempt (unless red list arrival)	Exempt	Exempt	Exempt
11. Civil aviation inspectors	Not exempt	Exempt (unless red list arrival)	Exempt	Exempt	Not exempt
14. Official repatriating prisoner	Not exempt	Not exempt	Exempt	Exempt	Exempt
15. Official escorting extradition subject	Not exempt	Not exempt	Exempt	Exempt	Exempt
16. Foreign official collecting extradition subject	Not exempt	Not exempt	Exempt	Exempt	Exempt"

(2) In Part 2 (Definition of persons who are exempt, conditions, limitations of exemption and savings)—

(a) after paragraph 7(1) insert—

“(1A) Where P is a person described in paragraph 1(a), (b), (h) or (k), P is not required to comply with regulation 10.”;

(b) in paragraph 9(2) omit—

“if—

(a) P satisfies sub-paragraph (1),

(b) the Foreign, Commonwealth and Development Office has been notified of F’s arrival, and

(c) the Foreign, Commonwealth and Development Office has confirmed in writing that F is not required to comply with regulation 14 and Schedule 7.”.

(c) After paragraph 21A insert—

*“Condition for exemption from requirement to provide information*

**21AA.** Where P is a person described in paragraph 21(a) or (b)(i), P is not required to comply with regulation 4 provided that person does not pass through immigration control.”.

### **Amendment of the Operator Liability Regulations**

**11.** The Operator Liability Regulations are amended in accordance with regulations 12 to 13.

### **Amendment of regulation 2 (Interpretation)**

**12.** In regulation 2, in the definition of “required negative notification”, for “Covid” substitute “COVID”.

### **Amendment of regulation 4A (Requirement to check vaccination status)**

**13.** In regulation 4A, in sub-paragraph (2)(a)—

(a) for “2(d) or (e)” substitute “2(d)”;

(b) for “4(b) or (d)” substitute “4(b)”.

Sealed with the Official Seal of the Department of Health on 19th November 2021

(L.S.)

*Dr Naresh Chada*

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.

Regulations 3 and 4 amends the interpretation regulations within Schedule 2B (Criteria to be an eligible arrival) to the principal Regulations to include definitions for “EU Digital COVID Certificate”, “European microstate” and “North American Certificate”. They also clarify that a reference to a country does not include a reference to the overseas territories and dependencies of that country unless otherwise stated.

Regulation 5 amends regulation 6 of the principal Regulations to make a typographical correction.

Regulations 6 and 7 amend regulations 10 and 11 of the principal Regulations to remove the provisions for a child under 18 having to self-isolate as this Statutory Rule introduces a policy that

all children under the age of 18 are deemed fully vaccinated for the purposes of international travel.

Regulation 8 amends regulation 19 of the principal Regulations to clarify that enforcement regarding a child isolating only applies when that child has arrived into Northern Ireland from a red list country.

Regulation 9 amends Schedule 2B of the principal Regulations to: remove the requirement to provide proof of residency for those vaccinated in the United States or those who have participated, or are participating, in a clinical trial regulated in the United States of America and to accept vaccination certificates issued at state level in 3 US states; clarify that all children under 18 are deemed fully vaccinated for the purposes of international travel, regardless of their country of residence; define those countries and territories which are approved third countries and territories for the purposes of vaccine certification and the UK vaccine rollout overseas; clarify the status of overseas territories and dependencies of relevant countries; and inserts Belarus, Bolivia, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Democratic Republic of Congo, Dominican Republic, Ecuador, Falkland Islands, Guernsey, Isle of Man, Jersey, Laos, Libya, Malawi, Montserrat, Mozambique, Pitcairn, Henderson, Ducie and Oeno Islands, Samoa, Senegal, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus, St Helena, Ascension and Tristan da Cunha, Turks and Caicos Islands, Vanuatu, Zambia, and Zimbabwe in the list of countries and territories referred to in paragraph 12 of that Schedule.

Regulation 10 amends Part 1 of Schedule 4 (Persons who are exempt) to the principal Regulations to: clarify that Seamen and masters, Pilots (maritime), Ship inspectors and Air crew do not need to complete a passenger locator form, regardless of the country they have arrived from, and clarify that Road haulage workers are exempt from completing a passenger location form, and simplifies the exemptions from the requirement to self-isolate applying to certain categories of transport and border workers.

Regulation 10 also amends Part 2 of Schedule 4 in relation to Diplomats to clarify the requirements in relation to self-isolation and managed isolation.

Regulation 10 also amends Part 2 of Schedule 4 in relation to the condition that applies to the exemption from the requirement to provide information in regulation 4 of the principal Regulations in respect of transit passengers to provide that they do not need to complete a passenger locator form so long as they remain airside and do not pass through immigration control.

Regulation 12 amends regulation 2 of the Operator Liability Regulations to make a typographical correction.

Regulation 13 amends regulation 4A of the Operator Liability Regulations to make consequential amendments as a result of the amendments relating to providing proof of residency for those vaccinated in the USA or those who have participated, or are participating, in a clinical trial regulated in the United States of America.

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