

## **EXPLANATORY MEMORANDUM TO**

# **The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 10) Regulations (Northern Ireland) 2021**

**S.R. 2021 No. 316**

### **Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 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 the negative resolution procedure.

### **Purpose**

- 2.1 The Statutory Rule amends the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021 (“the principal Regulations”) to update the testing and self-isolation requirements applying to “eligible” (i.e. deemed fully vaccinated) arrivals entering Northern Ireland. The option for eligible non-red list arrivals to take a Lateral Flow Device (LFD) test on or before day 2 of their arrival into Northern Ireland is removed; meaning that all eligible arrivals are required to complete a PCR test on or before Day 2 of their arrival when not having visited a red-list country in the previous ten days. Eligible arrivals are now also required to self-isolate until at least the point at which they receive a negative result from their PCR test or a maximum of 14 days if the result is not received before the end of this period. .
- 2.2 The Statutory Rule also amends the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021 (“the Operator Liability Regulations”) to update the information that must be provided to passengers travelling to Northern Ireland as a consequence of the changes in testing and self-isolation requirements for eligible non-red list arrivals outlined above.
- 2.3 The Statutory Rule came into operation at 4.00am on 30 November 2021.

### **Background**

- 3.1 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.
- 3.2 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 (“the Operator Liability Regulations”) came into operation on 16 April 2021 to deliver a package of enhanced border measures in response to the risk

of importation of harmful variants of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) into Northern Ireland. This included setting out the requirement for persons returning from areas where this risk is especially elevated (red list countries or territories) to book a managed quarantine hotel package.

- 3.3 The principal Regulations were updated on 4 October 2021 to introduce a new system of “red list” and “non-red list” countries, and to provide a new set of rules for non-red list arrivals based on their vaccination status. Robust health protection measures, including hotel quarantine, remain in place for red list arrivals. Non-red list arrivals who can prove that they have received the required doses of an authorised vaccine, and who were vaccine certificated in specific countries, are deemed “eligible arrivals”. Until now, eligible arrivals were required to complete a Passenger Locator Form; and to book, pay for and undertake day 2 PCR or LFD tests; but not required to take a pre-departure test, day 8 test, or self-isolate upon arrival in Northern Ireland provided that they have not been in a red list country in the last ten days.
- 3.4 The arrangements for “eligible arrivals” include persons ordinarily resident in Northern Ireland and who have participated, or are participating in, a clinical trial for a vaccine against Coronavirus regulated in the UK or USA, or in Phase 2 or Phase 3 clinical trials for a vaccine against Coronavirus regulated by the European Medicines Authority or a regulatory authority (other than in the UK or USA) which is designated as a Stringent Regulatory Authority by the World Health Organisation. They also include persons who have completed a course of doses of a vaccine under the UK Vaccine Rollout Overseas; and persons under 18 years of age upon arrival in Northern Ireland.
- 3.5 All other arrivals from non-red list countries are deemed “non-eligible arrivals” and are required to complete a Passenger Locator Form; provide evidence of a negative pre-departure test; book, pay for, and undertake day 2 and day 8 post arrival PCR tests; and self-isolate for ten days immediately upon arrival in Northern Ireland.
- 3.6 Arrivals from red list countries are required to complete a Passenger Locator Form, provide evidence of a negative pre-departure test, and enter managed quarantine immediately upon arrival in Northern Ireland where they will also be required to undertake day 2 and day 8 post arrival PCR tests.
- 3.7 The Statutory Rule amends the principal Regulations to update the post-arrival testing requirements applying to “eligible” non-red list arrivals entering Northern Ireland. This change removes the option for these arrivals to take a Lateral Flow Device (LFD) test on or before day 2 following their arrival in Northern Ireland. All tests taken on or before day 2 must now be PCR tests.
- 3.8 The Statutory Rule also amends the principal Regulations to introduce a requirement for eligible non-red list arrivals to enter self-isolation upon arrival in Northern Ireland, and remain in self-isolation at least until they receive a negative result from a day 2 PCR test.
- 3.9 These changes mean that all eligible non-red list arrivals are now required to complete a PCR test on or before day 2 of their arrival when not having visited a red-list country in the previous ten days. In the case that this PCR test result is positive, the individual will be required to isolate until the end of the 10th day after the day they undertook the test. If the PCR test result is negative, the individual is no longer required to self-isolate and is free to leave on the day they receive the negative result. In the case that the PCR test result is inconclusive (void), they must remain in self-isolation until the end of the 10th day after the day they undertook the test; or until they take another test and receive

a negative result. If the individual does not take another day 2 test, or does not receive the result of their test, then they must remain in self-isolation until the end of the 14th day after the day they arrived in Northern Ireland. If they do take a replacement day 2 test, and receive a positive or negative result, then the individual follows the same path as would have been taken following a positive or negative result from the original day 2 test.

- 3.10 The intention of this policy is to delay the import of a newly identified Covid-19 variant into Northern Ireland, and to suppress its onward transmission within the community as much as possible. This variant is potentially vaccine or immune escaping, making it high risk to public health and to the domestic vaccination programme. The requirement for eligible arrivals to self-isolate until at least the point at which the test result is received, will reduce the risk of travellers who may be infected with the variant transmitting that infection into the community in Northern Ireland.
- 3.11 The Statutory Rule makes the necessary amendments to the Operator Liability Regulations to update the required information that must be given to passengers travelling to Northern Ireland.
- 3.12 The principal Regulations and the Operator Liability Regulations cease to have effect on the 24 March 2022 and 23 March 2022 respectively.

#### **Consultation**

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

#### **Equality impact**

- 5.1 An Equality Impact Assessment screening was not conducted for this amendment. However for the principal Regulations the EQIA screening 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.

#### **Regulatory impact**

- 6.1 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.

#### **Financial implications**

- 7.1 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.

#### **Section 24 of the Northern Ireland Act 1998**

- 8.1 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.

**EU implications**

9.1 This Statutory Rule does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

**Parity or Replicatory Measure**

10.1 These amendments are introduced to ensure alignment with Great Britain and will also be made in England, Scotland and Wales at the same time.

**Additional information**

11.1 Not applicable.