

EXPLANATORY MEMORANDUM TO

The Health Protection (Coronavirus, International Travel) (2021 Consolidation) (Amendment No. 11) Regulations (Northern Ireland) 2021

S.R. 2021 No. 322

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 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 add Nigeria to the red list of countries, and to prevent direct passenger aircraft from Nigeria arriving in Northern Ireland except in limited circumstances.
- 2.2 The Statutory Rule came into operation at 4.00am on 6 December 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”. They are required to complete a Passenger Locator Form; book, pay for and undertake a day 2 PCR test; and enter self-isolation immediately upon arrival in Northern Ireland

and remain in self-isolation at least until they receive a negative test result from their day 2 PCR test. They are not required to take a pre-departure test, or a day 8 test, 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 adds Nigeria to the red list of countries and territories, and imposes a flight ban on aircraft arriving from Nigeria. This means direct passenger aircraft from Nigeria are prohibited from landing in Northern Ireland, except under very limited circumstances.
- 3.8 The intention of this policy is to delay the import of a newly identified Covid-19 variant, now known as the “Omicron” 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 red list arrivals to enter managed quarantine, along with the ban on direct flights from red list countries, will reduce the likelihood of travellers arriving from the red list countries transmitting this Covid-19 variant within the community in Northern Ireland.
- 3.9 The principal Regulations cease to have effect on the 24 March 2022.

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.