
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 99

**The Health Protection (Coronavirus, International
Travel) Regulations (Northern Ireland) 2021**

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021.

(2) These Regulations come into operation at 4 a.m. on 16th April 2021.

Interpretation

2.—(1) In these Regulations—

“child” means a person under the age of 18,

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),

“coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus),

“Department” means the Department of Health,

“government department” means—

- (a) a United Kingdom Government Department,
- (b) Northern Ireland department,
- (c) a part of the Scottish Administration,
- (d) the Welsh Government,

“immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971^{M1},

[^{F1}“isolation” means, as the context requires—

- (a) self-isolation (see regulations 10 to 13, and Schedule 6 where it applies),
- (b) self-isolation in respect of workforce tests (see Schedule 6A), or
- (c) managed isolation (see regulations 14 and 15, Schedule 7 and Schedule 6 where it applies).]

“passenger information” has the meaning given in regulation 4(2) together with Schedule 3,

“Passenger Locator Form” means the form published electronically by the United Kingdom Government, and as may be from time to time amended, for the provision of passenger information, and unless the context otherwise requires, a reference to a Passenger Locator Form

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includes a reference to a Passenger Locator Form completed in accordance with an enactment in Scotland, Wales or England ^{M2},

“qualifying test” means a test that is a qualifying test for the purposes of regulation 6 (and see in particular paragraph 1 of Schedule 5).

(2) For the purposes of these Regulations, an individual has responsibility for a child if the individual—

- (a) has custody or charge of the child for the time being, or
- (b) has parental responsibility for the child within the meaning of the Children (Northern Ireland) Order 1995 ^{M3}.

(3) In these Regulations any reference to infection or contamination is a reference to infection or contamination with coronavirus which presents or could present significant harm to human health.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) substituted (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), [regs. 1\(2\), 2 \(with reg. 11\)](#)

Marginal Citations

- M1** [1971 c. 77](#). Paragraph 1 was amended by paragraph 3 of Schedule 3 to the [Health Protection Agency Act 2004 \(c. 17\)](#), and by [S.I. 1993/1813](#)
- M2** The Passenger Locator Form is available on [www.gov.uk](#). No hard copy version is available but, where a person arrives at a place staffed by Immigration Officers, they will be provided with the ability to complete the form electronically on their arrival in Northern Ireland if not completed in advance; assistance will be available for completion of the electronic form if required
- M3** [S.I. 1995/755 \(N.I. 2\)](#)

Interpretation: red, amber [^{F2}, amber plus] and green list countries and arrivals

3.—(1) In these Regulations—

“red list country” means a country or territory listed in Schedule 1 (red list countries),

“amber list country” means a country or territory which is not a green list country, not a red list country and not in the common travel area,

[^{F3}“amber plus list country” means a country or territory, or part of a country or territory listed in Schedule 2A (amber plus list countries),]

“green list country” means a country, territory, or part of a country or territory listed in Schedule 2 (green list countries – exempt countries, territories or parts of countries or territories),

“the common travel area” has the meaning given in section 1(3) of the Immigration Act 1971 ^{M4} (the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland).

(2) In these Regulations—

“red list arrival” means a person who has—

- (a) arrived in Northern Ireland, and
- (b) has arrived in, departed from or transited through a red list country at any time in the period beginning with the 10th day before the date of their arrival in Northern Ireland,

“amber list arrival” means a person who has—

- (a) 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 neither a red list arrival nor a green list arrival,
- “green list arrival” means a person who has—
- (a) 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) whilst outside the common travel area in that period, has only been in a green list country.
- (3) For the purposes of these Regulations, a person (P) is not treated as arriving in, departing from or transiting through a country or territory, or part of a country or territory, if, at all times whilst in that country, territory or part of that country or territory—
- (a) P remains on a conveyance and no other passenger is permitted to be taken on board, or
 - (b) P is kept separated from passengers who did not arrive on the same conveyance as P, and no such passengers are permitted to be taken on board the conveyance on which P leaves that country, territory or part.

Textual Amendments

- F2** Words in [reg. 3\(1\)](#) heading inserted (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), [regs. 1\(2\)](#), [3\(1\)\(a\)](#) (with [reg. 11](#))
- F3** Words in [reg. 3\(1\)](#) inserted (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), [regs. 1\(2\)](#), [3\(1\)\(b\)](#) (with [reg. 11](#))

Marginal Citations

- M4** 1971 c. 77

[^{F4}Fully vaccinated amber list arrivals

3A.—(1) A person (P) who is a fully vaccinated amber list arrival, and has not been in an amber plus list country in the 10 days prior to arriving in Northern Ireland, is to be treated as a green list arrival for the purposes of these Regulations.

(2) P is fully vaccinated, for the purposes of falling within the definition of fully vaccinated amber list arrival, if P meets the criteria set out in Schedule 2B.]

Textual Amendments

- F4** Reg. 3A inserted (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), [regs. 1\(2\)](#), [4\(1\)](#) (with [reg. 11](#))

PART 2

Obligations on persons arriving in Northern Ireland and others

Provide information

Requirement to provide information

- 4.—(1) This regulation applies in respect of a person (P) who is—
- (a) a red list arrival,
 - (b) an amber list arrival, or
 - (c) a green list arrival.
- (2) P must provide the information set out in Schedule 3 (“passenger information”) on the Passenger Locator Form.
- (3) Where P is an adult, P must provide the passenger information for any child for whom P has responsibility and with whom P is travelling.
- (4) Where P is a child and is unaccompanied by an adult, then an adult who has responsibility for P must provide the passenger information on behalf of P.
- (5) The passenger information must be provided—
- (a) on arrival, or
 - (b) in the 48 hours before arrival.
- (6) This regulation is satisfied where—
- (a) P arrives in Northern Ireland from Scotland, Wales or England,
 - (b) a Passenger Locator Form in respect of P has been completed in accordance with an enactment in Scotland, Wales or England, and
 - (c) an address in Northern Ireland has been specified where P intends to isolate (in the case of a person who is required to isolate) or stay (in any other case).
- (7) Where the passenger information is provided in the 48 hours before arrival, the person who has provided it must provide evidence that they have done so if requested by an immigration officer.
- (8) If passenger information changes or becomes available in the 10 days after arrival in Northern Ireland, the person who has provided it must, as soon as practicable, take all reasonable steps to update the passenger information on the Passenger Locator Form.
- (9) Nothing in this regulation requires a person to provide any information if that information is not within their possession or control.

Persons exempt from requirement to provide information

5. Schedule 4 sets out the persons who are exempt from regulation 4.

Negative test result

Requirement to possess notification of negative test result

- 6.—(1) This regulation applies in respect of a person (P) who is—
- (a) a red list arrival,
 - (b) an amber list arrival, or

- (c) a green list arrival.
- (2) This regulation does not apply if P is aged under 11.
- (3) P must possess on arrival a valid notification of a negative result from a qualifying test.
- (4) Where P is an adult, P must possess on arrival a valid notification of a negative result from a qualifying test taken by any child aged 11 or over for whom P has responsibility and with whom P is travelling.
- (5) A test is a qualifying test if it complies with paragraph 1 of Schedule 5.
- (6) A person who possesses a valid notification of a negative test result from a qualifying test must produce that notification physically or digitally, if required to do so by an immigration officer.
- (7) A notification of a negative result is valid if it includes the information specified in paragraph 3 of Schedule 5.
- (8) A child is to be treated as possessing valid notification of a negative test result from a qualifying test taken by that child even if that notification is possessed by a person who is travelling with, and has responsibility for, that child.

Persons exempt from requirement to possess notification of a negative test result

- 7. Schedule 4 sets out the persons who are exempt from regulation 6.

Book and undertake tests

Requirement to book and undertake tests

- 8.—(1) This regulation applies in respect of a person (P) who is—
 - (a) a red list arrival,
 - (b) an amber list arrival, or
 - (c) a green list arrival.
- (2) Where P is an adult, P must on arrival in Northern Ireland possess a testing package—
 - (a) for P, and
 - (b) for a child aged 5 or older for whom P has responsibility and with whom P is travelling.
- (3) Where P is an adult who arrives in Northern Ireland without possessing a testing package required under paragraph (2), P must as soon as practicable obtain a testing package.
- (4) Where P is a child aged 5 or older and is unaccompanied by an adult, then an adult who has responsibility for P must obtain a testing package as soon as practicable after P arrives in Northern Ireland.
- (5) Subject to paragraph (6), where P—
 - (a) is an adult, they must undertake the tests in accordance with their testing package;
 - (b) is a child aged 5 or older, an adult with responsibility for P must, so far as reasonably practicable, ensure that P undertakes the tests in accordance with the testing package.
- (6) Where P's day 2 test generates a positive result, P is not required to undertake a day 8 test.
- (7) Where P does not undertake a test as required by this regulation by reason of a reasonable excuse (see regulation 25), P must, as soon as practicable after the matters giving rise to the reasonable excuse no longer apply, undertake a test (“a replacement test”) complying with the requirements that apply to the test that was missed.
- (8) Where a replacement test is undertaken instead of—

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- (a) a day 2 test, P is to be treated as if they had undertaken a day 2 test in accordance with this regulation,
 - (b) a day 8 test, P is to be treated as if they had undertaken a day 8 test in accordance with this regulation.
- (9) Schedule 6 makes further provision about day 2 and day 8 tests (including isolating if a test generates a positive result).
- (10) A person who possesses a testing package must provide evidence of it if requested by an immigration officer or a constable.
- (11) In this regulation—
- “day 2 test” means a test which complies with paragraph 6 of Schedule 6 and is undertaken in the circumstances described in paragraph 8 of that Schedule,
 - “day 8 test” means a test which complies with paragraph 7 of Schedule 6 and is undertaken in the circumstances described in paragraph 8 of that Schedule,
 - “testing package” means—
 - (a) in respect of a red list arrival or an amber list arrival, a booking for a day 2 test and a day 8 test where both tests are provided, or arranged to be provided, by the same test provider,
 - (b) in respect of a green list arrival ^{F5}... , a booking for a day 2 test.

Textual Amendments

- F5** Words in reg. 8(11)(b) revoked (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), regs. 1(2), **10(a)(i)** (with reg. 11)

Persons exempt from requirement to book and undertake tests

9. Schedule 4 sets out the persons who are exempt from regulation 8.

^{F6}Workforce tests

Textual Amendments

- F6** Reg. 9A and cross-heading inserted (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), regs. 1(2), **5(1)** (with reg. 11)

Requirement to undertake workforce tests

9A.—(1) This paragraph applies in respect of a person (P) who is exempt, by virtue of one of the provisions of Part 2 of Schedule 4 set out in paragraph (2), from the requirement to book and undertake tests under regulation 8.

- (2) Those provisions are—
- (a) paragraph 14 (Crown servants (border work)),
 - (b) paragraph 15 (Crown servants (defence), armed forces, visiting forces),
 - (c) paragraph 17 (seamen and masters) other than seamen and masters of fishing vessels within the meaning of the Merchant Shipping Act 1995,

- (d) paragraph 18 (pilots (maritime)),
 - (e) paragraph 19 (ship inspectors),
 - (f) paragraph 20 (air crew),
 - (g) paragraph 22 (road haulage workers),
 - (h) paragraph 34 (official repatriating a prisoner),
 - (i) paragraph 35 (official escorting extradition subject),
 - (j) paragraph 36 (foreign official collecting extradition subject),
 - (k) paragraph 42 (specialist aerospace engineer or worker),
 - (l) paragraph 49 (medical courier),
 - (m) paragraph 67 (seasonal agricultural worker).
- (3) Subject to paragraphs (6) and (8)—
- (a) where P is a green list arrival, P must undertake a workforce test for day 2,
 - (b) in all other cases, P must undertake a workforce test for day 2, day 5 and day 8.
- (4) Where P does not undertake a workforce test as required by this regulation by reason of a reasonable excuse (see regulation 25A), P must, as soon as practicable after the matters giving rise to the reasonable excuse no longer apply, undertake a replacement workforce test.
- (5) Where a replacement workforce test is undertaken instead of—
- (a) a workforce test for day 2, P is to be treated as if P had undertaken a workforce test for day 2 in accordance with this regulation,
 - (b) a workforce test for day 5, P is to be treated as if P had undertaken a workforce test for day 5 in accordance with this regulation,
 - (c) a workforce test for day 8, P is to be treated as if P had undertaken a workforce test for day 8 in accordance with this regulation.
- (6) Subject to paragraph (8), for any period during which P is a recurring work traveller, paragraph (3) does not apply and instead P must undertake a workforce test—
- (a) before the end of the second day after the day P first arrives in Northern Ireland during the period during which P is a recurring work traveller, or as soon as reasonably practicable during the time P is next in Northern Ireland after the end of the second day,
 - (b) subsequently, within each successive period of three days, beginning with the day after the day on which P undertook the previous workforce test.
- (7) P is a “recurring work traveller” where—
- (a) P is undertaking work that requires P to enter and leave Northern Ireland on a daily basis, or at intervals of no greater than two days, and is entering and leaving accordingly, and
 - (b) P is not a road haulage worker, within the meaning of paragraph 22 of Schedule 4.
- (8) Paragraphs (3) and (6) do not apply where—
- (a) P is a person described in any of the following paragraphs of Part 2 of Schedule 4—
 - (i) paragraph 17 (seamen and masters),
 - (ii) paragraph 18 (pilots (maritime)),
 - (iii) paragraph 19 (ship inspectors),
 - (iv) paragraph 20 (air crew),
 - (b) P meets the exempt (no access to passengers condition) set out in paragraph 8(1) and (3) of Part 1 of Schedule 4, and

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- (c) P—
- (i) does not disembark from or leave the conveyance on which P travelled to Northern Ireland at any time when the conveyance is moored at a port in Northern Ireland or is otherwise stationary in Northern Ireland, or
 - (ii) travelled to Northern Ireland on the same conveyance on which they left Northern Ireland and did not disembark from or leave that conveyance at any time when it was moored at a port in a country outside the common travel area or was otherwise stationary in such a country.
- (9) In these Regulations—
- (a) “a replacement workforce test” means a workforce test complying with the requirements that apply to the workforce test that was missed,
 - (b) “a workforce test” means a test for the detection of coronavirus which is provided or administered under the Health and Personal Social Services (Northern Ireland) Order 1972,
 - (c) “a workforce test for day 2” means a workforce test which is undertaken no later than the end of the second day after the day on which P arrived in Northern Ireland,
 - (d) “a workforce test for day 5” means a workforce test which is undertaken—
 - (i) after a workforce test for day 2,
 - (ii) no earlier than the end of the second day after the day on which P arrived in Northern Ireland, and
 - (iii) before the end of the fifth day after the day on which P arrived in Northern Ireland.
 - (e) “a workforce test for day 8” means a workforce test which is undertaken—
 - (i) after a workforce test for day 5,
 - (ii) no earlier than the end of the fourth day after the day on which P arrived in Northern Ireland, and
 - (iii) before the end of the eighth day after the day on which P arrived in Northern Ireland.
- (10) Schedule 6A (workforce tests) makes further provision about workforce tests (including the consequences of testing).]

Self-isolation

Requirement to self-isolate

- 10.**—(1) This regulation applies in respect of a person (P) who is an amber list arrival ^{F7}....
- (2) P must enter into and remain in self-isolation from others in accordance with—
- (a) regulations 10 to 13, and
 - (b) Schedule 6 (where that Schedule applies).
- (3) P must, on their arrival in Northern Ireland, travel directly to the place at which they are to self-isolate, and must then self-isolate until whichever is the earlier of—
- (a) the end of the 10th day after the day on which they arrive in the common travel area, or
 - (b) their departure from Northern Ireland.
- (4) If P is a child, any person who has custody or charge of P during P's period of self-isolation must ensure, so far as is reasonably practicable, that P self-isolates in accordance with these Regulations.

Textual Amendments

- F7** Words in reg. 10(1) revoked (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), regs. 1(2), **10(a)(ii)** (with reg. 11)

Limitations to, and exceptions from, requirement to self-isolate

11.—(1) This regulation sets out the limitations to, and exceptions from, the requirement to self-isolate for a person (P).

(2) Regulation 10 does not require P to remain in self-isolation—

- (a) from any person with whom they were travelling when they arrived in Northern Ireland and who is also self-isolating in the place where P is self-isolating,
- (b) where P is self-isolating in their home, from any member of their household,
- (c) where P is self-isolating in the home of a friend or family member, from any member of the household of that friend or family member,
- (d) from any person who is staying in the place where P is self-isolating whose assistance P reasonably requires by reason of—
 - (i) P being a child, or
 - (ii) any disability of P's,
- (e) where P leaves, or is outside of, the place where P is self-isolating for the purposes of, or connected with, undertaking a test in accordance with Schedule 6, from any person whose assistance P reasonably requires in order to undertake the test, by reason of—
 - (i) P being a child, or
 - (ii) any disability of P's.

(3) Regulation 10 does not require P to remain in isolation from a person (V) when V is at the place where P is self-isolating—

- (a) to provide emergency assistance,
- (b) to provide care or assistance, including personal care within the meaning of paragraph 1(1B) or 7(3B) of Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007^{M5}, to P or to any other person who is living in the place where P is self-isolating,
- (c) to provide medical assistance including to provide any of the services mentioned in paragraph (4)(b), to P or to any other person who is living in the place where P is self-isolating, where this is required urgently or on the advice of a registered medical practitioner,
- (d) to provide veterinary services, where this is required urgently or on the advice of a veterinary surgeon,
- (e) to provide critical public services, including those mentioned in paragraph (4)(i).

(4) During the period of their self-isolation, P may not leave, or be outside of, the place where P is self-isolating except—

- (a) to travel in order to leave Northern Ireland, provided that they do so directly, but this is subject to paragraphs 4 and 5 of Schedule 6 (consequences of positive test result),
- (b) to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner, including to access services from dentists, opticians, audiologists,

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- chiropractors, chiropractors, osteopaths and other medical or health practitioners, including services relating to mental health,
- (c) to access veterinary services where this is required urgently or on the advice of a veterinary surgeon,
 - (d) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings,
 - (e) to avoid injury or illness or to escape a risk of harm,
 - (f) on compassionate grounds including to attend a funeral of—
 - (i) a member of P's household,
 - (ii) a close family member, or
 - (iii) if no-one within sub-paragraphs (i) or (ii) are attending, a friend,
 - (g) to move to a different place for self-isolation specified on a Passenger Locator Form completed by or in respect of P,
 - (h) in exceptional circumstances such as—
 - (i) to obtain basic necessities such as food and medical supplies for those in the same household (including any pets or animals in the household) where it is not possible to obtain these provisions in any other manner,
 - (ii) to move to a different place for self-isolation where it becomes impracticable to remain at the address at which they are self-isolating,
 - (i) to access critical public services, including—
 - (i) social services,
 - (ii) services provided to victims (such as victims of crime),
 - (j) in the case of a minister of religion or worship leader, to go to their place of worship alone provided they will be there alone,
 - (k) to take exercise alone or with members of P's household,
 - (l) to visit a burial ground to pay respects to a member of P's household, family member or friend provided they are doing so alone,
 - (m) for the purposes of, or connected with, undertaking a test in accordance with Schedule 6.

Marginal Citations

M5 2007 S.I. 1351 (N.I. 11)

Place where a person must self-isolate

12.—(1) This regulation sets out the place where a person (P) must self-isolate.

(2) P must self-isolate at the address specified in P's Passenger Locator Form, but this is subject to the other provisions of this regulation.

(3) Where it is not possible for P to self-isolate in accordance with paragraph (2), P must self-isolate in accommodation facilitated by the United Kingdom Government for the purposes of P's self-isolation.

(4) Where P is an asylum seeker, P must self-isolate in accommodation provided or arranged under section 4, 95 or 98 of the Immigration and Asylum Act 1999^{M6}.

(5) Where P is a person described in paragraph 9(1) of the Schedule 10 to the Immigration Act 2016 ^{M7} (powers of Secretary of State to enable person to meet bail conditions), P must self-isolate in accommodation provided or arranged under that paragraph.

(6) The address specified by P in the Passenger Locator Form must be—

- (a) their home,
- (b) the home of a friend or family member, or
- (c) a hotel, hostel, bed and breakfast accommodation or other suitable place.

(7) Where P has not specified an address on a Passenger Locator Form where they intend to self-isolate, they must self-isolate at a place described in paragraph (6)(a) to (c).

(8) More than one address may be specified as the place at which P intends to self-isolate in the Passenger Locator Form, where—

- (a) a legal obligation requires P to change addresses, or
- (b) it is necessary for P to stay overnight at an address on their arrival in Northern Ireland before travelling directly to another address at which they will be self-isolating.

(9) The place referred to in this regulation includes the premises where P is self-isolating together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of the premises.

Marginal Citations

M6 1999 c. 33. Section 4 was amended by section 49 of the [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), by section 10(1) of the [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), by section 43(7) of the [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), and by paragraph 1 of Schedule 11 to the [Immigration Act 2016 \(c. 19\)](#). Section 95 was amended by section 50(1) of the Nationality, Immigration and Asylum Act 2002 and by paragraph 29 of Schedule 10 to the Immigration Act 2016

M7 2016 c. 19

Persons exempt from requirement to self-isolate

13. Schedule 4 sets out the persons who are exempt from regulation 10.

Managed isolation

Requirement to comply with managed isolation

14.—(1) This regulation applies in respect of a person (P) who is a red list arrival.

(2) Schedule 7 sets out the requirement to comply with managed isolation, along with additional measures, applying in respect of P.

Persons exempt from the requirement to comply with managed isolation

15. Schedule 4 sets out the persons who are exempt from regulation 14.

PART 3

Prohibition on the arrival of aircraft and vessels into Northern Ireland

Interpretation of Part 3

16.—(1) In this Part—

“operator” means—

- (a) in relation to a commercially operated aircraft or vessel, the person who has management control over the aircraft or vessel when it arrives in Northern Ireland,
- (b) in relation to any other aircraft or vessel, the person who has physical control over the aircraft or vessel when it arrives in Northern Ireland,

“passenger” means a person carried in or on an aircraft or vessel other than a member of the aircraft's or vessel's crew,

“port” has the same meaning as in the Merchant Shipping Act 1995 ^{M8}.

(2) In the definition of “operator” in paragraph (1), “arrives” means—

- (a) in relation to an aircraft, lands,
- (b) in relation to a vessel, moors at a port.

Marginal Citations

M8 1995 c. 21

Prohibition on arrival of aircraft into Northern Ireland

17.—(1) Subject to paragraph (2), this regulation applies in relation to an aircraft whose last point of departure was in a country or territory listed in paragraph 1 of Schedule 8 (“a relevant aircraft”).

(2) This regulation does not apply in relation to—

- (a) a commercially operated aircraft carrying no passengers,
- (b) an aircraft operated by or in support of Her Majesty's Government in the United Kingdom,
- (c) an aircraft operated by or in support of a foreign country or territory where, prior to its arrival in Northern Ireland, a United Kingdom Government Department has provided written confirmation to the operator that the aircraft is carrying passengers who are travelling to conduct official business within the United Kingdom.

(3) The operator must not cause or permit a relevant aircraft to land in Northern Ireland unless—

- (a) landing in Northern Ireland is reasonably necessary to secure the safety of the aircraft or the health and safety of any person aboard it,
- (b) the landing is only for the purposes of refuelling or aircraft maintenance, and no passengers are permitted to board, or disembark from, the aircraft, or
- (c) the aircraft is an air ambulance and landing for the purposes of transporting a person for medical treatment.

Prohibition on arrival of vessels into Northern Ireland

18.—(1) Subject to paragraph (2), this regulation applies in relation to a vessel whose last point of departure was a port in a country or territory listed in paragraph 2 of Schedule 8 (“a relevant vessel”).

(2) This regulation does not apply in relation to—

- (a) a commercially operated vessel carrying no passengers,
 - (b) a vessel operated by or in support of Her Majesty's Government in the United Kingdom,
 - (c) a vessel operated by or in support of a foreign country or territory where, prior to its arrival in Northern Ireland, a United Kingdom Government Department has provided written confirmation to the operator that the vessel is carrying passengers who are travelling to conduct official business within the United Kingdom.
- (3) An operator must not cause or permit a relevant vessel to moor at a port in Northern Ireland unless mooring at a port in Northern Ireland—
- (a) is reasonably necessary to secure the safety of the vessel or health and safety of any person aboard it, or
 - (b) is otherwise required pursuant to a direction issued under Schedule 3A to the Merchant Shipping Act 1995.

PART 4

Enforcement

Enforcement powers

Enforcement of requirement to isolate

19.—(1) Where a constable has reasonable grounds to believe that a person (P) has left or is outside of the place where they are isolating in contravention of these Regulations, the constable may—

- (a) direct P to return to the place where P is isolating,
- (b) remove P to the place where P is isolating,
- (c) where it is not practicable or appropriate in the circumstances to take the action in sub-paragraph (a) or (b), remove P to accommodation facilitated by the United Kingdom Government for the purposes of P's isolation.

(2) Paragraphs (1)(b) and (c) do not apply where P is a diplomat within the meaning of Schedule 4.

(3) A constable exercising the power in paragraph (1)(b) or (c) may use reasonable force, if necessary, in the exercise of the power.

(4) Where P is a child, and has left or is outside of the place where they are isolating and accompanied by an individual who has responsibility for them—

- (a) a constable may direct that individual to take P to the place where P is isolating, and
- (b) that individual must, so far as reasonably practicable, ensure that P complies with any direction given by the constable to P.

(5) Where P is a child, and a constable has reasonable grounds to believe that P is repeatedly failing to comply with the requirement to isolate, the constable may direct any individual who has responsibility for P to ensure, so far as reasonably practicable, that P so complies.

(6) A constable may only exercise a power in paragraph (1), (4) or (5) if the constable considers that it is a necessary and proportionate means of ensuring compliance with the requirement to isolate.

Additional enforcement powers in respect of managed isolation

20.—(1) This regulation sets out additional enforcement powers in respect of managed isolation under regulations 14 and 15 and Schedule 7 (“the managed isolation provisions”).

Status: Point in time view as at 08/08/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021. (See end of Document for details)

(2) Where an authorised person has reasonable grounds to believe that P is subject to the managed isolation provisions, the authorised person may do any of the following for the purpose of ensuring that P complies with those provisions—

- (a) give a direction to P, including a direction—
 - (i) that P remain in a particular area of a port to await transportation to accommodation designed for the purposes of those provisions,
 - (ii) that P move to a particular place to board transportation designated for the purposes of those provisions,
 - (iii) that P board transportation designated for the purposes of those provisions to travel to accommodation designated for the purposes of those provisions,
 - (iv) that P remain in the place where P is isolating,
- (b) remove P to accommodation designated for the purposes of those provisions.

(3) This regulation does not apply where P is a diplomat within the meaning of Schedule 4.

(4) An authorised person exercising the power in paragraph (2)(b) may use reasonable force, if necessary, in the exercise of the power.

(5) An authorised person may only exercise a power in this regulation if the authorised person considers that it is a necessary and proportionate means of ensuring compliance with the managed isolation provisions.

(6) For the purposes of this regulation, “authorised person” means—

- (a) a constable, or
- (b) an immigration officer.

Additional enforcement powers in respect of red list arrivals

21.—(1) This regulation sets out additional enforcement powers in respect of red list arrivals.

(2) Where an authorised person has reasonable grounds to believe that P is a red list arrival and that P has committed an offence under regulation 23(1)(a) or 23(4), the authorised person may—

- (a) require P to produce their passport or travel document for examination,
- (b) detain P for up to three hours,
- (c) search P and any baggage belonging to P or under P's control, or any vehicle in which P has travelled, for evidence, other than items subject to legal privilege, that relates to the possible commission of an offence under regulation 23(4),
- (d) seize and retain any document or article recovered by a search under sub-paragraph (c).

(3) Paragraph (2) does not confer a power to detain or search an unaccompanied child.

(4) Any search under paragraph (2) must be conducted by an authorised person of the same gender as P.

(5) Paragraph (2) does not confer a power to conduct an intimate search.

(6) This regulation does not apply where P is a diplomat within the meaning of Schedule 4.

(7) An authorised person exercising the power in this regulation may use reasonable force, if necessary, in the exercise of the power.

(8) An authorised person may only exercise a power in this regulation if the authorised person considers that it is a necessary and proportionate means of ensuring compliance with the managed isolation provisions.

(9) For the purposes of this regulation, “authorised person” means—

- (a) a constable, or

- (b) an immigration officer.

Power of entry in respect of managed isolation

22.—(1) A constable may enter premises in order—

- (a) to search for a person who is suspected of committing an offence of contravening the requirement in paragraph 8 of Schedule 7,
- (b) to remove a person of the description in sub-paragraph (a) to accommodation designated by the Department for the purposes of Schedule 7.

(2) The power in paragraph (1) is exercisable if the constable—

- (a) has reasonable grounds to believe that a person of the description in paragraph (1)(a) is in or on the premises, and
- (b) has a reasonable belief that it is necessary and proportionate to enter the premises for the purposes specified in paragraph (1)(b).

(3) But the power in paragraph (1) does not authorise entry to any part of the premises which is used as a private dwelling, unless a magistrates' court has issued a warrant authorising this under paragraph (6).

(4) A constable exercising the power in paragraph (1) or executing a warrant under paragraph (6)

- (a) may use reasonable force if necessary, and
- (b) may be accompanied by a community support officer (within the meaning of the Police (Northern Ireland) Act 2003 ^{M9}).

(5) A constable exercising the power in paragraph (1) or executing a warrant under paragraph (6)

- (a) if asked by a person on the premises, must show evidence of the constable's identity and outline the purpose for which the power is being exercised, and
- (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the constable found them.

(6) If it is shown to the satisfaction of a magistrates' court on sworn information in writing that—

- (a) there are reasonable grounds to believe that a person of the description in paragraph (1) (a) is in or on the premises, and
- (b) it is necessary and proportionate to enter the premises for the purposes specified in paragraph (1)(b),

then the court may by signed warrant authorise a constable to enter the premises.

(7) In this regulation, “premises” includes any building or structure and any land.

Marginal Citations

M9 2003 c.6

Offences

Offences and penalties

23.—(1) A person who—

Status: Point in time view as at 08/08/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021. (See end of Document for details)

- (a) without reasonable excuse contravenes a requirement in regulation 4,
 - (b) without reasonable excuse contravenes a requirement in regulation 6,
 - (c) without reasonable excuse contravenes a requirement in regulation 8,
 - [^{F8}(ca) without reasonable excuse contravenes a requirement in regulation 9A,
 - (cb) without reasonable excuse contravenes a requirement in paragraph 3 of Schedule 6A,
 - (cc) without reasonable excuse contravenes a requirement in schedule 6A, other than paragraph 3,]
 - (d) contravenes a requirement in regulation 10,
 - (e) without reasonable excuse contravenes a requirement in paragraph 4 or 14(a) of Schedule 7,
 - (f) contravenes a requirement in any paragraph of Schedule 7 other than paragraph 4, 13 or 14(a),
 - (g) without reasonable excuse contravenes a requirement in or imposed under regulation 19 or regulation 21, or
 - (h) without reasonable excuse contravenes a requirement in or imposed under regulation 20,
- commits an offence.
- (2) But a person does not commit an offence where they contravene a requirement in—
- (a) regulation 6, if they reasonably believed at the time of the contravention that the notification of a negative result was valid and from a qualifying test,
 - (b) Schedule 7, if the accommodation or transport booked is no longer available for reasons beyond the person's control.
- (3) A person who, without reasonable excuse, intentionally obstructs any person carrying out a function under these Regulations commits an offence.
- (4) A person who intentionally or recklessly provides false or misleading passenger information commits an offence.
- (5) An operator (within the meaning of regulation 16) who contravenes regulation 17(3) or 18(3) commits an offence.
- (6) An offence under these Regulations is punishable on summary conviction by a fine—
- (a) not exceeding £10,000 in respect of a managed isolation offence, or a managed isolation (ports and travel information) offence, within the meaning of regulation 27,
 - (b) not exceeding level 5 on the standard scale in respect of any other offences.
- (7) Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 ^{M10} (arrest without warrant: constables) applies in relation to an offence under this regulation as if the reasons in paragraph (5) of that Article included to maintain public health.

Textual Amendments

F8 Reg. 23(1)(ca)-(cc) inserted (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), regs. 1(2), **6(1)** (with reg. 11)

Marginal Citations

M10 [S.I. 1989/1341 \(N.I.12\)](#)

Reasonable excuses: contravention of regulation 6

24. For the purposes of regulation 23(1)(b), reasonable excuses for contravening regulation 6 include, in particular, where—

- (a) a person was medically unfit to provide a sample for a qualifying test and possessed a document, in English or accompanied by a certified English translation, signed by a medical practitioner entitled to practise in the country or territory in which that practitioner was based, to that effect,
- (b) it was not reasonably practicable for a person to obtain a qualifying test due to a disability,
- (c) a person required medical treatment with such urgency that obtaining a qualifying test was not reasonably practicable,
- (d) a person contracted coronavirus and required emergency medical treatment,
- (e) a person was accompanying, in order to provide support, whether medical or otherwise, a person described in paragraph (c) or (d) where it was not reasonably practicable for the accompanying person to obtain a qualifying test,
- (f) a person began their journey to Northern Ireland in a country or territory in which a qualifying test was not available to the public, with or without payment, or in which it was not reasonably practicable for a person to obtain a qualifying test due to lack of reasonable access to a qualifying test or testing facility and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure if this was different to where they began their journey,
- (g) the time it has taken a person to travel from the country or territory where they began their journey to the country or territory of their last point of departure prior to arriving in Northern Ireland meant that it was not reasonably practicable for them to meet the requirement in paragraph 1(c) of Schedule 5, and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure.

Reasonable excuses: contravention of regulation 8

25.—(1) For the purposes of regulation 23(1)(c), reasonable excuses for contravening regulation 8(2), (3) or (4) include, in particular, where—

- (a) it was not reasonably practicable for a person to book a test due to a disability,
- (b) a person reasonably considered before arriving in Northern Ireland that it would not be reasonably practicable for the person (or, as the case may be, the child for whom the person has responsibility) to provide a sample for a test in accordance with regulation 8 due to a disability,
- (c) a person required medical treatment with such urgency that booking a test was not reasonably practicable,
- (d) a person was accompanying, in order to provide support, whether medical or otherwise, a person described in sub-paragraph (a) or (c) where it was not reasonably practicable for the accompanying person to book a test,
- (e) a person began their journey to Northern Ireland in a country or territory in which the person did not have reasonable access to the facilities or services required to book a test, with or without payment, and such facilities or services were not reasonably accessible in their last point of departure if this was different to where they began their journey.

(2) For the purposes of regulation 23(1)(c), reasonable excuses for contravening regulation 8(5) include, in particular, where—

- (a) it is not reasonably practicable for a person to undertake a test due to a disability,

Status: Point in time view as at 08/08/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021. (See end of Document for details)

- (b) a person requires medical treatment with such urgency that undertaking a test is not reasonably practicable,
- (c) a test is cancelled for reasons beyond the person's control,
- (d) a person has left Northern Ireland in accordance with regulation 10(3)(b), or left the common travel area in accordance with paragraph 11(1)(a) of Schedule 7.

[^{F9}Reasonable excuses: contravention of regulation 9A

25A. For the purposes of regulation 23(1)(ca), reasonable excuses for contravening regulation 9A include, in particular, where—

- (a) it was not reasonably practicable for a person to undertake a test due to a disability,
- (b) a person required medical treatment with such urgency that undertaking a test was not reasonably practicable,
- (c) a test was cancelled for reasons beyond a person's control,
- (d) a person has left Northern Ireland,
- (e) a person is employed as air crew and is undertaking a rest period for a continuous, uninterrupted and defined period of time, following duty or prior to duty, during which the person is free of all duties, standby or reserve (and for these purposes, “duties” “standby” and “reserve” have the meanings given in paragraph ORO.FTL.105 of [Commission Regulation \(EU\) No. 965/2012](#).)]

Textual Amendments

F9 Reg. 25A inserted (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), regs. 1(2), **6(2)** (with reg. 11)

Fixed penalty notices

Fixed penalty notices

26.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person has reasonable grounds to believe—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the clerk of petty sessions.

- (3) Where a person is issued with a notice under this regulation in respect of an offence—
 - (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice,
 - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (4) A fixed penalty notice must—
 - (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence,

- (b) state the period during which (because of paragraph (3)(a)) proceedings will not be taken for the offence,
- (c) specify the amount of the fixed penalty,
- (d) state the name and address of the person to whom the fixed penalty may be paid,
- (e) specify permissible methods of payment, and
- (f) inform the person to whom it is given of the right to ask to be tried for the offence.

(5) Whatever other method may be specified under paragraph (4)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (4)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(6) Where a letter is sent as described in paragraph (5), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) In any proceedings, a certificate that—

- (a) purports to be signed by or on behalf of the clerk of petty sessions, and
- (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

(1) In this regulation, “authorised person” means—

- (a) a constable, or
- (b) an immigration officer, but only in relation to the issue of a fixed penalty notice in respect of—
 - (i) an information offence, within the meaning of regulation 27,
 - (ii) an offence described in regulation 23(1)(b), (1)(c), (1)(e), (1)(f), (1)(g), (1)(h).

Amount of fixed penalty

27.—(1) This regulation sets out the amount which must be specified, in accordance with regulation 26(4)(c), in a fixed penalty notice, in respect of different offences—

(2) Where the fixed penalty notice is issued in respect of an obstruction offence (green or amber list arrivals) then the amount specified must be £1,000.

(3) For the purposes of this regulation an obstruction offence (green or amber list arrivals) means an offence described in—

- (a) regulation 23(1)(g) (except in so far as it relates to a red list arrival), or
- (b) regulation 23(3) where the person is believed to have intentionally obstructed a person carrying out a function in relation to regulations 10 to 13, or regulation 19 (except in relation to a red list arrival).

(4) Where the fixed penalty notice is issued in respect of a self-isolation offence then the amount specified must be £1,000.

(5) For the purposes of this regulation a self-isolation offence means an offence described in

- [^{F10}(a) regulation 23(1)(cc), or
- (b) regulation 23(1)(d).]

(6) Where the fixed penalty notice is issued to a person in respect of a managed isolation offence then the amount specified must be—

- (a) in the case of the first fixed penalty notice, £5,000,
- (b) in the case of the second fixed penalty notice, £8,000,

Status: Point in time view as at 08/08/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021. (See end of Document for details)

- (c) in the case of the third and subsequent fixed penalty notice, £10,000.
- (7) For the purposes of this regulation a managed isolation offence means an offence described in—
- (a) regulation 23(1)(e) or (1)(f) (except in the case of a contravention of a requirement in paragraph 2 of Schedule 7),
 - (b) regulation 23(1)(g) (except in so far as it relates to green or amber list arrivals),
 - (c) regulation 23(1)(h), or
 - (d) regulation 23(3) where the person is [^{F11}reasonably] believed to have intentionally obstructed any person carrying out a function relating to a red list arrival.
- (8) Where the fixed penalty notice is issued in respect of a managed isolation (ports and travel information) offence then the amount specified must be £10,000.
- (9) For the purposes of this regulation a managed isolation (ports and travel information) offence means an offence described in—
- (a) regulation 23(1)(f), in respect of the requirement under paragraph 2 of Schedule 7, or
 - (b) regulation 23(4), in respect of information relating to the person's travel history in relation to a red list country.
- (10) Subject to paragraph (8), where the fixed penalty notice is issued in respect of an information offence, then the amount specified must be—
- (a) in the case of the first fixed penalty notice, £500
 - (b) in the case of the second fixed penalty notice, £1,000
 - (c) in the case of the third fixed penalty notice, £2,000
 - (d) in the case of the fourth and subsequent fixed penalty notices, £4,000.
- (11) For the purposes of this regulation an information offence means an offence described in—
- (a) regulation 23(1)(a),
 - (b) regulation 23(3), where the person is believed to have intentionally obstructed a person carrying out a function in relation to regulation 4,
 - (c) regulation 23(4).
- (12) Where the fixed penalty notice is issued in respect of a possession of negative test result offence then the amount specified must be—
- (a) in the case of the first fixed penalty notice, £500,
 - (b) in the case of the second fixed penalty notice, £1,000,
 - (c) in the case of the third fixed penalty notice, £2,000,
 - (d) in the case of the fourth and subsequent fixed penalty notices, £4,000.
- (13) For the purposes of this regulation, a possession of negative test result offence means an offence described in—
- (a) regulation 23(1)(b), or
 - (b) regulation 23(3) where the person is believed to have intentionally obstructed any person carrying out a function in relation to regulation 6.
- (14) Where the fixed penalty notice is issued in respect of a book and test offence, then the amount specified must be—
- (a) in the case of a fixed penalty notice issued in respect of a failure to possess a testing package in accordance with regulation 8(2), £1,000,

- (b) in the case of a fixed penalty notice issued in respect of a failure to obtain a testing package in accordance with regulation 8(3), £2,000,
- (c) in the case of a fixed penalty notice issued in respect of a failure to obtain a testing package in accordance with regulation 8(4), £1,000,
- (d) in the case of a fixed penalty notice issued in respect of a failure to undertake a test in accordance with regulation 8(5) or (7), [^{F12}£1,000],
- (e) in the case of the second fixed penalty notice issued in respect of a failure to undertake a test in accordance with regulation 8(5) or (7), £2,000.

(15) For the purposes of this regulation, a book and test offence means an offence described in regulation 23(1)(c).

[^{F13}(16) Where the fixed penalty notice is issued in respect of a workforce test offence then the amount specified must be—

- (a) in the case of the first fixed penalty notice, £1,000,
- (b) in the case of the second fixed penalty notice, £2,000,
- (c) in the case of the third and subsequent fixed penalty notices, £3,000.

(17) For the purposes of this regulation a workforce test offence means an offence described in regulation 23(1)(ca).

(18) Where the fixed penalty notice is issued in respect of an employers' obligation workforce test offence then the amount specified must be—

- (a) in the case of the first fixed penalty notice, £1,000,
- (b) in the case of the second fixed penalty notice, £2,000,
- (c) in the case of the third fixed penalty notice, £4,000,
- (d) in the case of the fourth and subsequent fixed penalty notices, £10,000.

(19) For the purposes of this regulation an employers' obligation workforce test offence means an offence described in regulation 23(1)(cb).]

Textual Amendments

- F10** Reg. 27(5)(a)(b) substituted for words (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), regs. 1(2), **6(3)(a)** (with reg. 11)
- F11** Word in reg. 27(7)(d) inserted (12.5.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/121\)](#), regs. 1(1), **3**
- F12** Sum in reg. 27(14)(d) substituted (8.6.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/154\)](#), regs. 1(1), **3**
- F13** Reg. 27(16)-(19) inserted (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), regs. 1(2), **6(3)(b)** (with reg. 11)

Amount of fixed penalty: offences committed under statutory provisions revoked by these Regulations

28.—(1) This regulation applies for the purposes of determining, in accordance with regulation 27, how many fixed penalty notices a person (P) has received in respect of an offence under these Regulations.

Status: Point in time view as at 08/08/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021. (See end of Document for details)

(2) An information offence, within the meaning of the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020 is to be treated as an information offence within the meaning of regulation 27.

(3) But, in determining how many fixed penalty notices P has received in respect of an information offence, no account is to be taken of any such fixed penalty notice issued to P before 4.00 am on 30th January 2021.

(4) An offence described in regulation 7(6A) of the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020 is to be treated as a possession of a negative test result offence within the meaning of regulation 27.

Effect of fixed penalty notice

29.—(1) This regulation applies if a fixed penalty notice is given to any person under regulation 26.

(2) If the person asks to be tried for the alleged offence, proceedings may be brought against the person.

(3) If by the end of the period mentioned in regulation 26(3)(a)—

- (a) the penalty has not been paid, and
- (b) the person has not made a request to be tried,

a sum equal to one and a half times the amount of the penalty (“the enhanced sum”) may be registered under regulation 31 for enforcement against that person as a fine.

(4) But the enhanced sum must not exceed £10,000.

Procedure where a fixed penalty notice has not been paid

Registration certificates

30.—(1) This regulation and regulation 31 apply where by virtue of regulation 29 the enhanced sum may be registered under regulation 31 for enforcement against any person as a fine.

(2) In this regulation and regulation 31—

- (a) that sum is referred to as a “sum payable in default”, and
- (b) the person against whom that sum may be so registered is referred to as the “defaulter”.

(3) The Chief Constable or an immigration officer—

- (a) may, in respect of any sum payable in default, issue a certificate (a “registration certificate”) stating that the sum is registrable under regulation 31 for enforcement against the defaulter as a fine; and
- (b) must cause any certificate so issued to be sent to the clerk of petty sessions.

(4) The Chief Constable may authorise a person to carry out the functions of the Chief Constable under paragraph (3).

(5) A registration certificate must—

- (a) give particulars of the offence to which the penalty notice relates; and
- (b) state the name and last known address of the defaulter and the amount of the sum payable in default.

Registration of penalty

31.—(1) Where the clerk of petty sessions receives a registration certificate in respect of any sum payable in default, the clerk must register that sum for enforcement as a fine by entering it in the Order Book of a court of summary jurisdiction.

(2) On registering any sum under this regulation for enforcement as a fine, the clerk of petty sessions must give to the defaulter notice of registration—

- (a) specifying the amount of that sum and requiring payment of it by such date, not less than 28 days from the date of registration, as may be specified in the notice, and
- (b) giving the information with respect to the offence included in the registration certificate by virtue of regulation 30(5)(a).

(3) On the registration of any sum in the Order Book of a court of summary jurisdiction by virtue of this regulation, any statutory provision referring (in whatever terms) to a fine imposed or a sum adjudged to be paid on a conviction of such court is to have effect in the case in question as if the sum so registered were a fine imposed by that court on the conviction of the defaulter on the date of the registration.

(4) The clerk of petty sessions must refer the case to a district judge (magistrates' courts) for the judge to consider whether to make a collection order under section 3 of the Justice Act (Northern Ireland) 2016 ^{M11}, and the order may be made without a court hearing.

(5) Where a collection order is made in that case, the date specified in the order as the date by which the sum due must be paid must, unless the court directs otherwise, be the same as the date specified in the notice of registration under paragraph (2)(a).

Marginal Citations

M11 2016 c. 21 (N.I.)

Challenge to notice

32.—(1) This regulation applies where—

- (a) a person who has received notice of the registration of a sum under regulation 31 for enforcement against that person as a fine makes a statutory declaration to the effect mentioned in paragraph (2), and
- (b) that declaration is, within 21 days of the date on which the person making it received notice of the registration, served on the clerk of petty sessions.

(2) The statutory declaration must state—

- (a) that the person making the declaration was not the person to whom the relevant fixed penalty notice was given, or
- (b) that the person gave notice requesting to be tried in respect of the alleged offence as permitted by the fixed penalty notice before the end of the period of 28 days following the date of the fixed penalty notice.

(3) In any case within paragraph (2)(a), the relevant fixed penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered are void.

(4) In any case within paragraph (2)(b)—

- (a) the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered are void, and

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Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021. (See end of Document for details)

- (b) the case is to be treated after the declaration is served as if the person making the declaration had given notice requesting to be tried in respect of the alleged offence as stated in the declaration.
- (5) References in this regulation to the relevant fixed penalty notice are to the fixed penalty notice relating to the penalty concerned.
- (6) In any case within paragraph (2)(b), Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 ^{M12} (limitation of time) has effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the statutory declaration made for the purposes of paragraph (1).
- (7) Paragraph (8) applies where, on the application of a person who has received notice of the registration of a sum under regulation 31 for enforcement against that person as a fine, it appears to a court of summary jurisdiction that it was not reasonable to expect that person to serve, within 21 days of the date on which that person received the notice, a statutory declaration to the effect mentioned in paragraph (2).
- (8) The court may accept service of such a declaration by that person after that period has expired; and a statutory declaration so accepted is to be taken to have been served as required by paragraph (1).
- (9) In this regulation references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum (including the making of a collection order).
- (10) For the purposes of this regulation, a person is to be taken to receive notice of the registration of a sum under regulation 31 for enforcement against that person as a fine when that person receives notice either of the registration as such or of any proceedings for enforcing payment of the sum registered.
- (11) Nothing in this regulation is to be read as prejudicing any rights a person may otherwise have by virtue of the invalidity of any action purportedly taken under these Regulations which is not in fact authorised by these Regulations in the circumstances of the case.
- (12) Accordingly, references in this regulation to the registration of any sum or to any other action taken under these Regulations are not to be read as implying that the registration or action was validly made or taken.

Marginal Citations

M12 [S.I. 1981/1675 \(N.I.26\)](#)

Setting aside of sum enforceable under regulation 31

- 33.—**(1) A court of summary jurisdiction may, in the interests of justice, set aside a sum enforceable as a fine as a result of regulation 31.
- (2) Where a court sets aside such a sum, it must give a direction that either—
- no further action is to be taken in respect of the alleged offence that gave rise to the fixed penalty notice concerned, or
 - that the case is to be treated as if the person concerned had given notice requesting to be tried in respect of the offence.
- (3) Where a court gives a direction under paragraph (2)(a), the fixed penalty notice concerned, the registration and any proceedings taken for enforcing payment of the sum registered are void.
- (4) Where a court gives a direction under paragraph (2)(b)—

- (a) the registration and any proceedings taken for enforcing payment of the sum registered are void; and
- (b) Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time) has effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the setting aside.

(5) In this regulation references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum (including the making of a collection order).

PART 5

Information sharing

Power to use and disclose information

34.—(1) This regulation applies to a person (P) who holds information described in paragraph (2) (“relevant information”), including where P holds that information as a result of disclosure made in accordance with paragraph (4).

- (2) The information referred to in paragraph (1) is—
 - (a) information provided on the Passenger Locator Form, or
 - (b) DA information received for a purpose described in paragraph (4)(a)(i),
 - (c) where a person (B) is required to isolate under these Regulations—
 - (i) the details of any such period of isolation (including the start and end dates of that period and the reason it was imposed),
 - (ii) a copy of any notice given to B which contains information about the requirement to isolate,
 - (iii) information generated where B books, or attempts to book, accommodation as part of a managed isolation package,
 - (iv) the details of any location in which B undertakes any period of managed isolation (including the name and address of the location),
 - (v) information relating to B obtained by P in the course of providing accommodation to B pursuant to a managed isolation package (including B's room number, the personal details of any of B's co-habitants, and the details of any absence of B, authorised or otherwise, from the place where B is isolating),
 - (vi) information relating to B obtained by P in the course of providing transport to a location at which B undertakes, or is due to undertake, any period of managed isolation,
 - (vii) information relating to B obtained by P in the course of providing any service in connection with a managed isolation package,
 - (d) where B is required to obtain a testing package or undertake a test under regulation 8 or Schedule 6—
 - (i) information generated where B books, or attempts to book, a testing package for the purposes of regulation 8,
 - (ii) a copy of any notice given to B which contains information about the requirement to book a testing package or to undertake a test,
 - (iii) information P obtained under paragraph 8(3) or (4) of Schedule 6,

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- (iv) the results of a test undertaken by B in accordance with Schedule 6 (whether or not that test was provided as part of a testing package),
 - (v) information obtained by P in the course of providing a test that falls within paragraph (iv) and is undertaken, or in the course of arranging for such a test to be undertaken, by B (including confirmation that the test was undertaken, details of when and where it was undertaken, any reasons for a test not being undertaken and the details of any replacement test to be undertaken),
 - (e) information provided to an immigration officer pursuant to regulations 4(7), 6(6), 8(10), or paragraph 16 of Schedule 7, or
 - (f) where a sample taken in respect of a day 2 test under regulation 8 has been sequenced, [^{F14}or a sample taken in respect of a further test required under paragraph 2(1)(a) of Schedule 6A has been sequenced,] the sorted BAM file relating to that sample containing all reads aligning to the SARS-CoV-2 reference genome with unaligned and human reads removed.
- (3) P may only use relevant information where it is necessary—
- (a) for the purpose of carrying out a function under these Regulations or the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021,
 - (b) for the purpose of—
 - (i) preventing danger to public health as a result of the spread of infection or contamination,
 - (ii) monitoring the spread of infection or contamination, or
 - (iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination, or
 - (c) for a purpose connected with, or otherwise incidental to, a purpose described in sub-paragraph (a) or (b).
- (4) Subject to paragraph (7), P may only disclose relevant information to another person (the “recipient”) where it is necessary for the recipient to have the information—
- (a) for the purpose of carrying out a function of the recipient under—
 - (i) these Regulations or the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021, or
 - (ii) an enactment which, in England, Scotland, or Wales, has the effect of requiring the isolation or quarantine of persons who have been outside the common travel area, for any of the purposes described in sub-paragraph (b),
 - (b) for the purpose of—
 - (i) preventing danger to public health as a result of the spread of infection or contamination,
 - (ii) monitoring the spread of infection or contamination, or
 - (iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination, or
 - (c) for a purpose connected with, or otherwise incidental to, a purpose described in sub-paragraph (a) or (b).
- (5) A constable or a person responsible for arranging or providing services (including security services) in respect of accommodation as part of a managed isolation package may, where necessary for the purpose of carrying out a function under these Regulations, request from B the following information—

- (a) confirmation that B possesses a testing package for the purposes of regulation 8 and the details of that testing package (including the time and date of the tests),
 - (b) confirmation that B has undertaken any test in accordance with a testing package and, if not, an account of the reasons,
 - (c) the result of any test B has undertaken in accordance with a testing package.
- (6) Subject to paragraph (8), disclosure which is authorised by this regulation does not breach—
- (a) an obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (7) This regulation does not limit the circumstances in which information may otherwise lawfully be disclosed under any other enactment or rule of law.
- (8) Nothing in this regulation authorises the use or disclosure of personal data where doing so contravenes the data protection legislation.
- (9) For the purposes of this regulation—
- “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018 ^{M13},
- “DA information” means information provided in accordance with, or as described in, an enactment which, in England, Scotland or Wales, has the effect of requiring the isolation or quarantine of persons who have been outside the common travel area, for any of the purposes described in paragraph (3)(b).

Textual Amendments

- F14** Words in [reg. 34\(2\)\(f\)](#) inserted (2.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 4\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/225\)](#), [regs. 1\(2\), 7 \(with reg. 11\)](#)

Marginal Citations

- M13** [2018 c. 12](#)

Self-incrimination

35.—(1) Information provided by a person in accordance with, or as described in, regulation 4 may be used in evidence against the person, subject to paragraphs (2) to (4).

- (2) In criminal proceedings against the person—
- (a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and
 - (b) no question relating to the information may be asked by or on behalf of the prosecution.
- (3) Paragraph (2) does not apply if the proceedings are for—
- (a) an offence under these Regulations,
 - (b) an offence under the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020,
 - (c) an offence under Article 10 the Perjury (Northern Ireland) Order 1979 ^{M14} (false statements made otherwise than on oath),
 - (d) an offence under section 1 of the Fraud Act 2006.
- (4) Paragraph (2) does not apply if, in the proceedings—

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- (a) evidence relating to the information is adduced by or on behalf of the person who provided it, or
- (b) a question relating to the information is asked by or on behalf of that person.

Marginal Citations

M14 [S.I. 1979/1714 \(N.I.19\)](#)

PART 6

Review and expiry of these Regulations

Review of need for restrictions

36.—(1) The Department must review the need for the requirements imposed by these Regulations at least once every 28 days.

(2) Any amendment to these Regulations will be considered to be a review for the purposes of this regulation.

Expiry of these Regulations

37.—(1) These Regulations expire on 24th March 2022.

(2) The expiry of these Regulations does not affect the validity of anything done pursuant to these Regulations before they expire.

PART 7

Final provisions

Revocations

38.—(1) The Regulations specified in Part 1 of Schedule 9 are revoked.

(2) The Regulations specified in Part 2 of Schedule 9 are revoked to the extent specified.

Transitional provisions

39.—(1) Paragraph (2) applies where—

- (a) a certification, authorisation, confirmation in writing or other thing done was done in accordance with a statutory provision that has been revoked by these Regulations,
- (b) that certification, authorisation, confirmation in writing or other thing done was in force immediately before these Regulations came into operation, and
- (c) these Regulations make corresponding provision to the revoked statutory provision.

(2) Where this paragraph applies, the certification, authorisation, confirmation in writing or other thing done is to be treated as a certification, authorisation, confirmation in writing or other thing done in accordance with the corresponding provision in these Regulations.

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

40. These Regulations have effect, and are deemed to have effect, at the same time as the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021.

Sealed with the Official Seal of the Department of Health on 15th April 2021

L.S.

Robin Swann
Minister of Health

Status:

Point in time view as at 08/08/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021.