

2022 No. 46

PUBLIC HEALTH

**The Health Protection (Coronavirus, International Travel,
Operator Liability and Information to Passengers) (Amendment
No. 3) Regulations (Northern Ireland) 2022**

Made - - - - *12th February 2022*

*Coming into operation in accordance with regulation 1(2)
and (3)*

The Department of Health^(a), makes the following Regulations in exercise of the powers conferred by sections 25B and 25F(2) of the Public Health Act (Northern Ireland) 1967^(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 3) Regulations (Northern Ireland) 2022.

(2) Regulation 4(2) comes into operation at 4.00 a.m. on 28th February 2022.

(3) The other provisions of these Regulations come into operation at 4.00 a.m. on 13th February 2022.

(4) An amendment made by these Regulations does not apply in relation to a person arriving in Northern Ireland before the coming into operation of the provision containing the amendment.

Interpretation

2. In these Regulations—

(a) “the principal Regulations” means the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021^(c).

(b) “the Operator Liability Regulations” means the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021^(d)

Simplification of Schedule 4 to the principal Regulations (exemptions)

3.—(1) For Schedule 4 to the principal Regulations, (persons who are exempt) substitute the Schedule 4 set out in the Schedule to these Regulations.

(a) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), s. 1(5).

(b) 1967 c. 36 (N.I.). Part 1A was inserted by section 48 of, and Schedule 18 to, the Coronavirus Act 2020 (c. 7)

(c) S.R. 2021 No. 99 as amended by S.R. 2021 Nos. 108, 121, 132, 154, 189, 213, 214, 218, 225, 230, 241, 262, 278, 282, 284, 293, 301, 312, 313, 316, 322, 323, 340, 343 and S.R. 2022 Nos. 3 and 43

(d) S.R. 2021 No. 102 as amended by S.R. 2021 Nos. 189, 213, 214, 225, 230, 262, 278, 282, 301, 316, 323 and S.R. 2022 Nos. 3 and 43

- (2) As a consequence, in regulation 9A of the principal Regulations—
- (a) for paragraph (2) substitute—
 - “(2) Those provisions are—
 - (a) border security duties,
 - (b) defence personnel, visiting forces and government contractors,
 - (c) transport workers (but not civil aviation inspectors),
 - (d) transporting human cells or blood,
 - (e) seasonal and temporary horticultural and food processing workers.”,
 - (b) for paragraph (8)(a) substitute—
 - “(a) P is a transport worker (but not a civil aviation inspector, nor a road haulage worker), within the meaning of Schedule 4,”,
 - (c) omit paragraph (8)(b).

Correction of the date on which extension of time for requirement to provide passenger information comes into force

4.—(1) In regulation 4 of the principal Regulations (requirement to provide passenger information), in paragraphs (6A)(b) and (7), for “three days” substitute “48 hours”.

(2) In regulation 4 of the principal Regulations, as amended by paragraph (1), in paragraphs (5), (6A)(b) and (7), for “48 hours” substitute “three days”.

(3) Regulation 4 of the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 2) Regulations (Northern Ireland) 2022(a) is revoked.

(4) Regulation 1 sets out different commencement dates for the different paragraphs of this regulation.

Minor amendments

5.—(1) The principal Regulations are amended as follows—

- (a) in regulation 2(1), in the definition of “isolation”, omit sub-paragraph (a) and (b),
- (b) in Schedule 6, in paragraph 9(3), in the entry for Form A, for “You should self-isolate again” substitute “You should self-isolate”,
- (c) in Schedule 6, in paragraph 9(3), in the entry for Form B, for “<https://www.nidirect.gov.uk/information-and-services/coronavirus-covid-19/travel-advice-and-guidance>” substitute “<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-travelling-northern-ireland-if-youre-not-fully-vaccinated>”,

(2) The Operator Liability Regulations are amended as follows—

- (a) in regulation 11D(4) (registration certificates), for “paragraph 3” substitute “paragraph (3)”,
- (b) in the Schedule, in Part 1, for “<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-travelling-northern-ireland-non-red-list-country>” substitute “<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-vaccination-status-travel>”,
- (c) in the Schedule, in Part 3, for “<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-international-travel-advice>” substitute “<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-travel-advice>”,
- (d) in the Schedule, in Part 3, in “<https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine>” at the end insert “/”.

(a) S.R. 2022 No. 43.

(L.S.)

Christopher Matthews
A senior officer of the Department of Health

SCHEDULE

Regulation 3

Schedule to be inserted as Schedule 4 to the principal Regulations

“Schedule 4

Persons who are exempt

PART 1

Regulations 5,7,9,15

Summary of exemptions

1. The notes set out below explain the entries in the table in Part 1 of this Schedule.
2. The entries set out in the first column are defined in Part 2 of the Schedule.
3. An entry reading “exempt” means the person is exempt from the requirement in the corresponding column.
4. An entry reading “not exempt” means the person is not exempt from the requirement in the corresponding column.
5. An entry reading “exempt (conditions apply)” means that the person is exempt provided that certain conditions are complied with. Those conditions are set out in Part 2 of the Schedule.
6. An entry reading “workforce testing” means that the person is exempt from the requirement to book and undertake tests, but must comply with the requirement to undertake workforce tests set out in regulation 9A.
7. An entry reading “workforce testing (conditions apply)” means that the person is exempt from the requirement to book and undertake tests, but must comply with the requirement to undertake workforce tests set out in regulation 9A, provided that certain conditions are complied with. Those conditions are set out in Part 2 of the Schedule.

	<i>Requirement to provide information. Regulation 4</i>	<i>Requirement to possess notification of negative test result. Regulation 6</i>	<i>Requirement to book and undertake tests. Regulation 8</i>	<i>Requirement to comply with managed isolation. Regulation 14</i>
1. Border security duties	Exempt	Exempt	Workforce testing	Exempt
2. Defence personnel, visiting forces and government contractors	Exempt	Exempt	Workforce testing	Exempt
3. Essential government work,	Not exempt	Exempt	Exempt (conditions apply)	Exempt (conditions apply)

operations and state business				
4. Members of diplomatic missions, consular posts and heads of state	Exempt	Not exempt	Exempt	Exempt
5. Persons on official business	Exempt (conditions apply)	Exempt (conditions apply)	Exempt (conditions apply)	Exempt (conditions apply)
6. Transport workers	Exempt	Exempt	Workforce testing (conditions apply)	Exempt
7. Seasonal and temporary horticultural and food processing workers	Not exempt	Not exempt	Workforce testing	Not exempt
8. Transporting human cells or blood	Not exempt	Exempt	Workforce testing	Exempt
9. Law enforcement	Not exempt	Not exempt	Not exempt	Exempt
10. Non-CTA transit passenger	Exempt (conditions apply)	Not exempt	Exempt	Exempt
11. Transit passenger (Republic of Ireland)	Not Exempt	Not exempt	Exempt (conditions apply)	Not exempt
12. CTA transit passengers	Not exempt	Not exempt	Exempt	Not exempt
13. Non-disembarking cruise passenger	Exempt	Exempt	Exempt	Exempt
14. Short stay cruise passenger	Not exempt	Not exempt	Exempt	Not exempt
15. Essential and emergency red list exemption	Not exempt	Not exempt	Not exempt	Exempt

Part 2

Description of exemptions and conditions

Border security duties

Description

1. A Crown servant or government contractor where they are—
 - (a) required to undertake essential government work related to the United Kingdom border in the United Kingdom; or
 - (b) undertaking essential government work related to the United Kingdom border outside of the United Kingdom but—
 - (i) are required to return to the United Kingdom temporarily,
 - (ii) will thereafter depart to undertake essential government work related to the United Kingdom border outside of the United Kingdom.
2. For the purposes of paragraph 1, “essential government work” means work which has been designated as such by the relevant Department or employer.
3. An official of a foreign Government, required to travel to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties where—
 - (a) they are in possession of a written notice signed by a senior member of their foreign Government confirming that they are required to undertake essential border security duties in the United Kingdom; or
 - (b) their deployment is pursuant to a standing bilateral or multilateral agreement with Her Majesty’s Government on the operation of the Border controls within the United Kingdom.

Defence personnel, visiting forces and government contractors

Description

- 4.—(1) A person who is a Crown servant, a government contractor, or a member of a visiting force, who—
 - (a) is required to undertake work necessary to the delivery of essential defence activities;
 - (b) has travelled from a point of origin within the common travel area or from a non-red list country or territory on a vessel or aircraft operated by, or in support of, Her Majesty’s armed forces or by, or in support of, a visiting force and that vessel or aircraft has not taken on any persons, docked in any port or landed in any red list country or territory; or
 - (c) has undertaken a continuous period of at least 10 days ending with the day immediately preceding the day of their arrival in the United Kingdom aboard a vessel operated by or in support of Her Majesty’s Naval Service or by, or in support of, a visiting force, where they have not disembarked and that vessel has not taken on any persons or docked in any port outside of the common travel area for a period of at least 10 days ending with the day of its arrival in the United Kingdom.
- (2) For the purposes of paragraph (1)—
 - (a) “defence” has the meaning given in section 2(4) of the Official Secrets Act 1989;
 - (b) “visiting force” means any body, contingent or detachment of the forces of a country, being a body, contingent or detachment for the time being present in the United Kingdom (including United Kingdom territorial waters), on the invitation of Her Majesty’s Government in the United Kingdom.

Essential government work, operations and state business

Description

- 5.—**(1) Any person in respect of whom the relevant Department has certified—
- (a) as being a person who is—
 - (i) a Crown servant or government contractor who is required to undertake essential government work or essential policing whilst in the United Kingdom or is returning from conducting such work outside of the United Kingdom,
 - (ii) a person who is required to undertake essential state business in the United Kingdom or is returning from conducting such business outside of the United Kingdom, or
 - (iii) a person returning to the United Kingdom where this is necessary to facilitate essential government operations and includes, in particular, the functioning of a diplomatic mission or consular post of Her Majesty or of a military or other official posting on behalf of Her Majesty, and
 - (b) that, as a result, the person cannot reasonably comply with the requirements of one or more of the following—
 - (i) regulation 6 (requirement to possess notification of negative test result);
 - (ii) regulation 8 (requirement to book and undertake tests);
 - (iii) regulation 14 (requirement to comply with managed isolation).
- (2) For the purposes of sub-paragraph (1)—
- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency,
 - (b) “essential government operations” means activity which has been designated as essential to the United Kingdom or Her Majesty’s Government by the relevant Department, and, includes, in particular, activity relating to the functioning of a diplomatic mission or consular post of Her Majesty or of a military or other official posting on behalf of Her Majesty,
 - (c) “essential government work” means work which has been designated as such by the relevant Department, and includes, in particular, work related to national security, the work of the National Crime Agency in pursuance of its statutory functions, and work related to immigration, the coronavirus disease or any other crisis response, but does not include work of the description relating to essential work under the border securities exemption,
 - (d) “essential policing” means policing which has been designated as such on behalf of the relevant chief officer or chief constable,
 - (e) “essential state business” means activity which has been designated as essential to the United Kingdom or Her Majesty’s Government by the relevant Department, and includes, in particular, bilateral or multilateral discussions with another state or international organisation and visits to another state on behalf of the United Kingdom or Her Majesty’s Government.
- 6.—**(1) Any person in respect of whom the relevant Department has certified—
- (a) as being a person who is required to undertake essential or emergency work in the United Kingdom which is necessary to facilitate essential government work, or is returning from undertaking such work outside of the United Kingdom, and
 - (b) that, as a result, the person cannot reasonably comply with the requirements of one or more of the following—
 - (i) regulation 6 (requirement to possess notification of negative test result);
 - (ii) regulation 8 (requirement to book and undertake tests);
 - (iii) regulation 14 (requirement to comply with managed isolation).

(2) For the purposes of sub-paragraph (1) “essential government work” has the same meaning as in paragraph 5.

Conditions

7. The condition is that the relevant Department, in addition to certifying the matters required by paragraphs 5 and 6, has confirmed in writing that the person is not required to comply with regulation 8 or regulation 14 (as the case may be).

Members of diplomatic missions, consular posts and heads of state

Description

8.—(1) A person (“P”) who is—

- (a) a member of a diplomatic mission in the United Kingdom;
- (b) a member of a consular post in the United Kingdom;
- (c) passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality;
- (d) a sovereign or other head of State who enjoys immunities and privileges by virtue of the State Immunity Act 1978(a);
- (e) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (d);
- (f) a diplomatic courier or a consular courier.

(2) For the purposes of this paragraph—

- (a) “consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963;
- (b) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
- (c) “diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961;
- (d) “member of a consular post” means a “consular officer”, “consular employee” and “member of the service staff” as defined in Schedule 1 to the Consular Relations Act 1968(b), and “head of consular post” has the meaning given in that Schedule;
- (e) “member of a diplomatic mission” means the “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” and “members of the service staff” as defined in Schedule 1 to the Diplomatic Privileges Act 1964(c).

Persons on official business

Description

9. A person who satisfies paragraph 10(1),(2), (3) or (4).

10.—(1) A—

(a) State Immunity Act 1978 () 1978 c. 33.
(b) Consular Relations Act 1968, () 1968 c. 18 There are amendments but none is relevant.
(c) Schedule 1 to the Diplomatic Privileges Act 1964(); () 1964 c. 81 There are amendments but none is relevant.

- (a) person, other than a person described in sub-paragraph (5), who is a sovereign or other Head of State who enjoys immunities and privileges by virtue of the State Immunity Act 1978(a), or
 - (b) member of the family forming part of the household of a person falling within paragraph (a).
- (2) A person (“P”) described in paragraph (a) of sub-paragraph (5) who meets the conditions set out in sub-paragraph (6).
- (3) A person (“P”) who is travelling to the United Kingdom to conduct official business who—
- (a) if P is described in paragraph (b) to (e) of sub-paragraph (5), meets the conditions set out in sub-paragraph (7),
 - (b) if P is described in paragraph (f) of sub-paragraph (5), meets the conditions set out in sub-paragraph (8).
- (4) A person (“P”) described in paragraphs (f) to (h) of sub-paragraph (5) who is travelling to the United Kingdom to conduct official business with the United Kingdom and meets the conditions set out in sub-paragraph (9).
- (5) A person who—
- (a) enjoys relevant immunities and privileges in the United Kingdom and is not described in sub-paragraph (1);
 - (b) is an officer or servant of an international organisation;
 - (c) is employed by an international organisation as an expert or on a mission;
 - (d) is a representative to an international organisation;
 - (e) is a member of the official staff of a representative to an international organisation;
 - (f) is a representative of a foreign country or territory;
 - (g) is a representative of the government of a British overseas territory;
 - (h) is a specified person.
- (6) The conditions referred to in sub-paragraph (2) are that—
- (a) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is travelling to the United Kingdom, the office held by P, the capacity in which P is travelling to the United Kingdom and that the person considers that one or more of the relevant provisions does not apply to P, and
 - (b) prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person referred to in paragraph (a) that it considers P to fall within the description in sub-paragraph (5)(a) and that one or more of the relevant provisions do not apply to P.
- (7) The conditions referred to in sub-paragraph (3)(a) are that—
- (a) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake relevant work and that P cannot reasonably undertake the relevant work while complying with one or more of the relevant provisions, and
 - (b) prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person referred to in paragraph (a) that it considers P to be travelling to the United Kingdom to conduct the relevant work and that P cannot reasonably undertake the work while complying with one or more of the relevant provisions.
- (8) The conditions referred to in sub-paragraph (3)(b) are that—

(a) State Immunity Act 1978(), () 1978 c.33

- (a) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that—
 - (i) P is required to undertake relevant work relating to—
 - (aa) essential maintenance and repair of an information technology or security system necessary for the functioning of a mission or consular post in the United Kingdom which represents the relevant foreign country, or
 - (bb) the holding of an election or referendum in accordance with the laws or regulations of a foreign country or territory, and
 - (ii) P cannot reasonably undertake the relevant work while complying with one or more of the relevant provisions, and
 - (b) prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person referred to in paragraph (a) that it considers P to be travelling to the United Kingdom to conduct the relevant work and that P cannot reasonably undertake the work while complying with one or more of the relevant provisions.
- (9) The conditions referred to in sub-paragraph (4) are that—
- (a) where P is not a specified person—
 - (i) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake relevant work and that P cannot reasonably undertake the relevant work while complying with one or more of the relevant provisions, and
 - (ii) prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person referred to in paragraph (a)(i) that P is travelling to the United Kingdom to conduct official business with the United Kingdom and that P cannot reasonably undertake the work while complying with one or more of the relevant provisions;
 - (b) where P is a specified person—
 - (i) P has been invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs; and
 - (ii) prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to P that they are travelling to the United Kingdom to conduct official business with the United Kingdom and cannot reasonably conduct that business while complying with one or more of the relevant provisions.
- (10) For the purposes of this paragraph—
- (a) “consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963;
 - (b) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
 - (c) “diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961;
 - (d) “international organisation” means an international organisation accorded privileges and immunities in the United Kingdom;

- (e) “member of a consular post” means a “consular officer”, “consular employee” and “member of the service staff” as defined in Schedule 1 to the Consular Relations Act 1968^(a) and “head of consular post” has the meaning given in that Schedule;
- (f) “member of a diplomatic mission” means the “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” and “members of the service staff” as defined in Schedule 1 to the Diplomatic Privileges Act 1964;
- (g) “relevant immunities and privileges” means inviolability, immunity from arrest or detention, or any immunity or privilege with equivalent effect which is accorded to any person under the law of Northern Ireland;
- (h) “relevant provisions” means—
 - (i) regulation 4 (requirement to provide information);
 - (ii) regulation 6 (requirement to possess notification of negative test result);
 - (iii) regulation 8 (requirement to book and undertake tests);
 - (iv) regulation 14 (requirement to comply with managed isolation);
- (i) “relevant work” means—
 - (i) where P is a person described in sub-paragraph (5)(b), (c), (d) or (e), work which the relevant stipulated person confirms in writing to the Foreign, Commonwealth and Development Office is essential to the functioning of the relevant international organisation;
 - (ii) where P is a person described in sub-paragraph (5)(f), work which the relevant stipulated person confirms in writing to the Foreign, Commonwealth and Development Office is essential to the foreign country represented by the relevant mission or consular post in the United Kingdom or the foreign territory represented by the relevant office in the United Kingdom (as the case may be);
 - (iii) where P is a person described in sub-paragraph (5)(g), work which the relevant stipulated person confirms in writing to the Foreign, Commonwealth and Development Office is essential to the relevant British overseas territory;
- (j) “specified person” means a person who is a member of the democratic opposition in a foreign country or territory, a member of a political party in a foreign country or territory, or who undertakes activities in a foreign country or territory that support government policy related to national security, the promotion and protection of human rights, the mitigation of, or adaptation to, climate change, the maintenance of international peace and security, or the maintaining or enhancing of biodiversity;
- (k) “stipulated person” means—
 - (i) where P is a person described in sub-paragraph (5)(a), the head of the relevant international organisation, the relevant head of the mission or head of consular post in the United Kingdom or the relevant head of the office representing a foreign territory in the United Kingdom (as the case may be);
 - (ii) where P is a person described in sub-paragraph (5)(b), (c), (d) or (e), the head of the relevant international organisation;
 - (iii) where P is a person described in paragraph (5)(f), the relevant head of the mission or head of consular post in the United Kingdom or the relevant head of the office representing a foreign territory in the United Kingdom (as the case may be);
 - (iv) where P is a person described in paragraph (5)(g), the relevant Governor of a British overseas territory.

^(a) 1968 c. 18. There are amendments but none is relevant.

11. This entry is without prejudice to any immunity from jurisdiction or inviolability which is accorded to any person under the law of Northern Ireland apart from these Regulations.

Condition

12.—(1) This paragraph sets out the condition for exemption from regulations 4, 6, 8 and 14 for a person described in paragraph 10(2), (3) and (4).

(2) The condition is that the Foreign, Commonwealth and Development Office, has confirmed in writing that the person is not required to comply with regulations 4, 6, 8 and 14.

Transport workers

Description

13.—(1) A member of aircraft crew where they have travelled to the United Kingdom in the course of their work or are otherwise required to travel to the United Kingdom for work purposes.

(2) For the purposes of this paragraph—

- (a) “member of aircraft crew” means a person who—
 - (i) acts as a pilot, flight navigator, flight engineer or flight radiotelephony operator of an aircraft,
 - (ii) is carried on the flight deck and is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) of the Air Navigation Order 2016(a) or under Annex III or Annex VI of the Air Operations Regulation, or
 - (iii) is carried on the flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers or of the aircraft;
- (b) travel for work purposes includes, in particular—
 - (i) where the member of aircraft crew resides outside the United Kingdom, travelling to the United Kingdom to work on an aircraft departing from the United Kingdom,
 - (ii) travelling to attend work-related training in the United Kingdom,
 - (iii) returning to the United Kingdom following work-related training outside the United Kingdom,
 - (iv) returning to the United Kingdom following work as a member of aircraft crew outside of the United Kingdom,
- (c) “Air Operations Regulation” has the meaning given in paragraph 1 of Schedule 1 to the Air Navigation Order 2016.

14. A civil aviation inspector, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7th December 1944(b), where they have travelled to the United Kingdom when engaged on inspection duties.

15.—(1) A road haulage worker where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

- (a) “driver” includes a person who is travelling in a vehicle as a relief driver;

(a) S.I. 2016/765

(b) The latest edition of Annex 9, which is published by the International Civil Aviation Organization, is the 15th edition, which applied from 23rd February 2018 (ISBN 978-92-9258-301-9)

- (b) “goods vehicle” has the meaning given in Article 2(1) of the Road Traffic (Northern Ireland) Order 1981(a);
- (c) “road haulage worker” means—
 - (i) the driver of a goods vehicle that is being used in connection with the carriage of goods, other than goods for non-commercial personal use by the driver, or
 - (ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council(b).

16.—(1) A seafarer.

(2) For the purposes of this paragraph—

- (a) “seafarer” means—
 - (i) a seaman or master, as defined in section 313(1) of the Merchant Shipping Act 1995(c), where they have travelled to the United Kingdom in the course of their work or have been repatriated to Northern Ireland in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007, unless they have travelled to Northern Ireland to work, or have been repatriated to Northern Ireland after working, on board a cruise ship,
 - (ii) a pilot, as defined in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995(d), where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom, or
 - (iii) an inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995, or by a government of a relevant British possession as defined in section 313(1) of that Act, where they have travelled to the United Kingdom in the course of their work, unless they have travelled to Northern Ireland to work, or have been repatriated to Northern Ireland after working, on board a cruise ship,
- (b) “the Maritime Labour Convention, 2006” means the Convention adopted on 23rd February 2006 by the General Conference of the International Labour Organisation;
- (c) “the Work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14th June 2007 by the International Labour Organisation.

Conditions

17. The exemption from regulation 8 (and the consequent obligation to comply with regulation 9A) does not apply in respect of—

- (a) civil aviation inspectors,
- (b) seamen or masters of a fishing vessel within the meaning of the Merchant Shipping Act 1995.

18. P is not required to comply with regulation 9A if—

- (a) P is a member of aircraft crew or a seafarer, and
- (b) P has, on their journey to Northern Ireland, travelled only—
 - (i) on a conveyance which does not carry passengers;
 - (ii) in an area of a conveyance which is not accessible to passengers; or

(a) 1981 NI 1

(b) OJ No. L 300, 14.11.2009, p. 72.

(c) Schedule 3A was inserted by Schedule 1 to the Marine Safety Act 2003 (c. 16)

(d) there are amendments to section 256 but none are relevant

- (iii) in an area of a conveyance which is accessible to passengers in vehicles, where passengers remain within their vehicles while P is present in that area of the conveyance.

Seasonal and temporary horticultural and food processing workers

Description

19.—(1) A person who has an offer of employment—

- (a) for seasonal work to carry out specified activities in horticulture at specified premises;
- (b) to carry out specified pork processing activities at specified premises;
- (c) to carry out specified poultry processing activities at specified premises.

(2) For the purposes of sub-paragraph (1)(a)—

- (a) “horticulture” means growing—
 - (i) protected vegetables grown in glasshouse systems,
 - (ii) field vegetables grown outdoors, including vegetables, herbs, leafy salads and potatoes,
 - (iii) soft fruit grown outdoors or under cover,
 - (iv) trees that bear fruit,
 - (v) vines and bines,
 - (vi) mushrooms,
- (b) “seasonal work” is employment which fluctuates or is restricted due to the season or time of the year;
- (c) “specified activities” means—
 - (i) crop cultivation,
 - (ii) crop maintenance,
 - (iii) crop harvesting,
 - (iv) crop husbandry,
 - (v) tunnel construction and dismantling,
 - (vi) irrigation installation and maintaining,
 - (vii) packing and processing of crops on employer’s premises,
 - (viii) preparing and dismantling growing areas and media,
 - (ix) general primary production work in horticulture,
 - (x) activities relating to supervising teams of horticulture workers;
- (d) “specified premises” means the farm, nursery or glasshouse named in the offer of employment.

(3) For the purposes of sub-paragraph (1)(b)—

- (a) “specified pork processing activities” means—
 - (i) slaughtering and butchering pigs,
 - (i) preparing and processing pig meat;
- (b) “specified premises” means the slaughterhouse, processing site or farm named in the offer of employment.

(4) For the purposes of sub-paragraph (1)(c)—

- (a) “specified poultry processing activities” means—
 - (i) catching poultry;
 - (ii) slaughtering poultry;

- (iii) preparing and processing poultry meat;
- (iv) packing poultry meat;
- (b) “specified premises” means the slaughterhouse, processing site, farm or other work premises named in the offer of employment.

Transporting human cells or blood

Description

20.—(1) A person who has travelled to the United Kingdom for the purpose of transporting material which consists of, or includes, human cells or blood and which is to be used for the provision of healthcare by a healthcare provider.

(2) For the purposes of sub-paragraph (1)—

- (a) “blood” includes blood components;
- (b) “healthcare” means all forms of healthcare provided for individuals, whether relating to mental or physical health, including healthcare in connection with giving birth.

Law enforcement

Description

21. A person responsible for escorting a person for the purposes of the Repatriation of Prisoners Act 1984(a), the Colonial Prisoners Removal Act 1884(b) or the Extradition Act 2003(c).

22. A person who is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner transfer or deportation.

A non-CTA transit passenger

Description

23.—(1) A non-CTA transit passenger.

(2) For the purposes of sub-paragraph (1), “non-CTA transit passenger” means a person who on arrival in the United Kingdom—

- (a) passes through to another country or territory outside the common travel area without entering the United Kingdom; or
- (b) enters the United Kingdom for the sole purpose of continuing a journey to a country or territory outside the common travel area and—
 - (i) remains within their port of entry until their departure from Northern Ireland, or
 - (ii) travels directly from their port of entry to another port of departure in Northern Ireland.

Condition

24. The exemption from regulation 4 only applies in respect of paragraph 24(2)(a).

Transit passenger (Republic of Ireland)

Description

25. A person P who, on arrival in Northern Ireland, alighted from the conveyance by which they arrived in Northern Ireland for the sole purpose of continuing a journey directly to the Republic of Ireland.

(a) 1984 c.47
 (b) 1884 c.31.g
 (c) 2003 c. 41

Condition

26.—(1) The exemption only applies if P can provide evidence to demonstrate to the satisfaction of an immigration officer that they intend to immediately travel directly to the Republic of Ireland.

(2) For the purposes of sub-paragraph (1), such evidence may include—

- (a) evidence of residency in the Republic of Ireland;
- (b) evidence of a hotel reservation for the day of arrival; or
- (c) evidence of immediate direct onward travel plans to the Republic of Ireland.

A CTA transit passenger

Description

27.—(1) A CTA transit passenger.

(2) For the purposes of sub-paragraph (1), “CTA transit passenger” means a person other than a red list arrival passenger who on arrival in the United Kingdom—

- (a) passes through to Guernsey, Jersey or the Isle of Man without entering the United Kingdom; or
- (b) enters the United Kingdom for the sole purpose of continuing a journey to Guernsey, Jersey or the Isle of Man and—
 - (i) remains within their port of entry until their departure from Northern Ireland, or
 - (ii) travels directly from their port of entry to another port of departure in Northern Ireland.

A non-disembarking cruise passenger

Description

28. A person, including a crew member, who travels to a port in Northern Ireland on a cruise ship but does not disembark from the cruise ship at any point while it is—

- (a) moored at a port in Northern Ireland, or
- (b) in the territorial waters adjacent to Northern Ireland.

A short stay cruise passenger

Description

29. A person, other than a red list arrival, who—

- (a) arrives in Northern Ireland on a cruise ship, and
- (b) is due to depart from Northern Ireland on the same cruise ship within 48 hours of their arrival.

Essential and emergency red list exemption

Description

30.—(1) Any person in respect of whom the relevant Department has certified—

- (a) as being a person who is required to undertake essential or emergency work in the United Kingdom which is necessary to facilitate essential government work, or is returning from undertaking such work outside of the United Kingdom, and
- (b) that, as a result, the person cannot reasonably comply with the requirements of regulation 14 (requirement to comply with managed isolation).

(2) For the purposes of this paragraph, “essential government work” means work which has been designated as such by the relevant Department, and includes, in particular, work related to national security, the work of the National Crime Agency in pursuance of its statutory functions, and work related to immigration, the coronavirus disease or any other

crisis response, but does not include work of the description relating to essential work under the border securities exemption.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021 (the principal regulations) and The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021 (the Operator Liability Regulations). They also revoke one provision of The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 2) Regulations (Northern Ireland) 2022.

Regulation 3 and the Schedule deal with the regime for exempting arrivals in Northern Ireland from the various coronavirus travel rules. They do so by simplifying the exemption regime for certain categories of person by merging many of the individual categories into larger categories. The Schedule also adds a new exemption category of seasonal and temporary horticultural and food processing workers.

Regulation 4 corrects an error made in an earlier commencement provision. Regulation 4 of Statutory Rule 2022 No. 43 extended the time a person had to complete a passenger locator form from two to three days after arrival in Northern Ireland. That provision was erroneously brought into operation on 11 February 2022 when it should have been brought into force on 28 February 2022. Regulation 4 of these Regulations corrects this error. Firstly, it provides that, as from 13 February 2022, the requirement is that a person has two days to complete the passenger locator form. Secondly, it provides that, as from 28 February 2022, a person will have three days to complete the form. Thirdly, it then revokes the provision which was erroneously brought into force too soon. Nothing in this regulation has retrospective effect.

Regulation 5 makes minor updates, including correcting typographical or cross-referencing errors as well as updating web links.

No impact assessment has been prepared for these Regulations.

© Crown copyright 2022

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£6.90

<http://www.legislation.gov.uk/id/nisr/2022/46>

ISBN 978-0-33-801840-3



9 780338 018403