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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 99**

**PUBLIC HEALTH**

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

*Made* - - - - *15th April 2021*  
*at 4.00 a.m. on 16th*  
*Coming into operation* *April 2021*

The Department of Health<sup>(1)</sup>, makes the following Regulations in exercise of the powers conferred by sections 25B and 25F<sup>(2)</sup> of the Public Health Act (Northern Ireland) 1967<sup>(2)</sup>.

**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,

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

(2) 1967 c. 36 (N.I.). Part 1A was inserted by section 48 of, and Schedule 18 to, the Coronavirus Act 2020 (c. 7)

(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(3),

“isolation” means, as the context requires, either—

(e) self-isolation (see regulations 10 to 13, and Schedule 6 where it applies), or

(f) 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 includes a reference to a Passenger Locator Form completed in accordance with an enactment in Scotland, Wales or England(4),

“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(5).

(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.

### **Interpretation: red, amber 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,

“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(6) (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,

(3) 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

(4) The Passenger Locator Form is available on [www.gov.uk](http://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

(5) S.I. 1995/755 (N.I. 2)

(6) 1971 c. 77

“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.

## 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—
  - (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, a booking for a day 2 test.

### **Persons exempt from requirement to book and undertake tests**

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

### *Self-isolation*

### **Requirement to self-isolate**

- 10.—(1) This regulation applies in respect of a person (P) who is an amber list arrival.

- (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.

### **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(7), 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, chiropodists, 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.

**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<sup>(8)</sup>.

(5) Where P is a person described in paragraph 9(1) of the Schedule 10 to the Immigration Act 2016<sup>(9)</sup> (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 this in regulation includes the premises where P is self-isolating together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of the premises.

#### **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—

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- (8) 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
  - (9) 2016 c. 19



“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<sup>(10)</sup>.

(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.

### **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 subparagraph (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”).

(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)
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- (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(11)).
- (5) A constable exercising the power in paragraph (1) or executing a warrant under paragraph (6)
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- (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.

### *Offences*

#### **Offences and penalties**

- 23.**—(1) A person who—
- (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,
  - (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(12) (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.

**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,
- (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.

### *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 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,
  - (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 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), £2,000,
- (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).

### **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.

(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(13), 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).

### **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.

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(13) 2016 c. 21 (N.I.)

- (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
  - (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(14) (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.

### **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—
- (a) no further action is to be taken in respect of the alleged offence that gave rise to the fixed penalty notice concerned, or
  - (b) 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,
  - (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, 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 subparagraph (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<sup>(15)</sup>,
- “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).

### **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<sup>(16)</sup> (false statements made otherwise than on oath),

<sup>(15)</sup> 2018 c. 12

<sup>(16)</sup> S.I. 1979/1714 (N.I.19)

- (d) an offence under section 1 of the Fraud Act 2006.
- (4) Paragraph (2) does not apply if, in the proceedings—
  - (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.

## 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



## SCHEDULES

### SCHEDULE 1

Regulation 3

#### Red list countries

Angola  
Argentina  
Bangladesh  
Bolivia  
Botswana  
Brazil  
Burundi  
Cape Verde  
Chile  
Colombia  
Democratic Republic of Congo  
Ecuador  
Eswatini  
Ethiopia  
French Guiana  
Guyana  
Kenya  
Lesotho  
Malawi  
Mozambique  
Namibia  
Oman  
Pakistan  
Panama  
Paraguay  
Peru  
Philippines  
Qatar  
Rwanda  
Seychelles  
Somalia  
South Africa

*Status: This is the original version (as it was originally made).*

Suriname  
Tanzania  
United Arab Emirates  
Uruguay  
Venezuela  
Zambia  
Zimbabwe

## SCHEDULE 2

Regulation 3

Green list countries – exempt countries, territories, and parts of countries or territories  
No countries, territories or parts of countries or territories are specified in this Schedule

## SCHEDULE 3

Regulation 4

### Passenger information

#### *Personal details*

1. Personal details of the passenger—
  - (a) name,
  - (b) sex,
  - (c) date of birth,
  - (d) passport number, or travel document reference number (as appropriate), issue and expiry dates and issuing authority,
  - (e) telephone number,
  - (f) home address,
  - (g) email address.

#### *Journey details*

2. Address in the United Kingdom where passenger will be staying—
  - (a) the address or addresses in the United Kingdom at which—
    - (i) in the case of a person who is required to isolate, they intend to isolate, or
    - (ii) in the case of any other person, they intend to stay during the period of 10 days beginning on the day after the date of their arrival in the United Kingdom
  - (b) the date, or planned date, as appropriate, of their arrival at an address specified in subparagraph (a) (where required to isolate).
3. Mode of transport details of the passenger—
  - (a) the operator they are travelling with or through which their booking was made,
  - (b) their seat number,

- (c) their coach number,
  - (d) the flight number,
  - (e) the vessel name.
4. Arrival details of the passenger—
- (a) the location at which they will arrive in the United Kingdom,
  - (b) the date and time, or planned date and time, as appropriate, of their arrival in the United Kingdom.
5. Details of country that passenger's journey originated from—
- (a) the country or territory they are travelling from,
  - (b) the part of the country or territory they are travelling from, if that part—
    - (i) is specified in Schedule 2 (green list countries), or
    - (ii) is, where the country or territory is specified in that Schedule, expressly excluded in relation to that country or territory,
  - (c) any other country or territory they have departed from or transited through in the period beginning with the 10th day before the date of their arrival in Northern Ireland, and in this case, the dates of departing from or transiting through that country or territory,
  - (d) the part of any other country or territory they have departed from or transited through during that period, including the dates of departure or transit, if that part—
    - (i) is specified in Schedule 2 (green list countries) or
    - (ii) is, where the country or territory is specified in that Schedule, expressly excluded in relation to that country or territory.
6. Whether the passenger is connecting through the United Kingdom to a destination outside the United Kingdom and, if so—
- (a) the location at which they will depart from the United Kingdom,
  - (b) their final destination country or territory,
  - (c) the operator they are travelling with or through which their booking was made for their onward journey,
  - (d) the seat number for their onward journey,
  - (e) the coach number for their onward journey,
  - (f) the flight number for their onward journey,
  - (g) the vessel name for their onward journey.

*Details of children travelling with the passenger*

7. Where the passenger is travelling with a child for whom they have responsibility—
- (a) the name and date of birth of that child,
  - (b) the relationship of the passenger to that child.

*Details of testing package*

8. Where regulation 8 requires a testing package—
- (a) the name of the provider of the tests, and
  - (b) the reference number for the tests provided to them by the test provider in accordance with paragraph 6(5) of Schedule 6.

## SCHEDULE 4

Regulations 5, 7, 9, 13, 15

### Persons who are exempt

## PART 1

### Persons who are exempt

1. The notes set out below explain the entries in the table in Part 2 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 (unless red list arrival)” means the person is exempt unless the person is a red list arrival.
- 6.—(1) An entry reading “exempt (residency condition)” means—
  - (a) where the person is ordinarily resident in the United Kingdom, that the person is exempt from that requirement,
  - (b) where—
    - (i) the person is not ordinarily resident in the United Kingdom, and
    - (ii) the requirement is the requirement to enter into managed isolation, that the requirement to enter into managed isolation applies with the modifications set out in sub-paragraph (2).
- (2) Those modifications are that—
  - (a) the references in Schedule 7 to the place in accommodation designated by the Department are to be read as a place within the meaning of regulation 12 (place where a person must self-isolate),
  - (b) there is no requirement to use transport facilitated by the Department in order to reach that place,
  - (c) no charge may be imposed by the Department in relation to accommodation where the person stays, and
  - (d) the definition of “place” in paragraph 12 of Schedule 7 does not apply.
7. An entry reading “partial exemption (work condition)” means that the person is not required to comply with that requirement while undertaking the work or activity described in the entry.
- 8.—(1) An entry reading “exempt (no access to passengers condition)” means that the person is exempt from the requirement if the person has on the journey to Northern Ireland travelled only—
  - (a) on a conveyance which does not carry passengers,
  - (b) in an area of a conveyance which is not accessible to passengers, or
  - (c) in an area of a conveyance which is accessible to passengers in vehicles, where passengers remain within their vehicles while the person is present in that area of the conveyance.
- (2) But notwithstanding sub-paragraph (1), if the person is a red list arrival, the person is not exempt.

(3) For the purposes of this paragraph, “not accessible to passengers” means separated by a continuous physical barrier which passengers are not permitted to cross”.

9. Where an entry indicates that certain categories are exempt, that conditions apply, or that there is a partial exemption, those categories, conditions or partial exemptions are set out in Part 2 of this Schedule.

	<i>Requirement to provide information</i>	<i>Requirement to possess notification of negative test result</i>	<i>Requirement to book and undertake tests</i>	<i>Requirement to self-isolate</i>	<i>Requirement to comply with managed isolation</i>
	<i>Regulation 4</i>	<i>Regulation 6</i>	<i>Regulation 8</i>	<i>Regulation 10</i>	<i>Regulation 14</i>
1. Diplomat	Exempt	Certain categories exempt	Certain categories exempt, conditions apply	Certain categories exempt, conditions apply	Certain categories exempt, conditions apply
2. Crown servant (border work)	Exempt (unless red list arrival)	Exempt (unless red list arrival)	Exempt	Exempt	Exempt
3. Crown servant (defence), armed forces, visiting forces	Exempt (unless red list arrival)	Exempt (unless red list arrival)	Exempt	Exempt	Exempt
4. Foreign official (border work)	Exempt	Exempt (unless red list arrival)	Exempt	Exempt (residency condition)  Partial exemption (work condition)	Exempt (residency condition)  Partial exemption (work condition)
5. Seaman and masters	Exempt (no access to passengers condition) (no red list arrivals)	(no access to red list arrivals)	Exempt (unless red list arrival)	Exempt (residency condition)  Partial exemption (work condition)	Exempt (residency condition)  Partial exemption (work condition)
6. Pilots (maritime)	Exempt (no access to passengers condition) (no red list arrivals)	(no access to red list arrivals)	Exempt (unless red list arrival)	Exempt (residency condition)  Partial exemption	Exempt (residency condition)  Partial exemption

*Status: This is the original version (as it was originally made).*

		<i>Requirement to provide information</i>	<i>Requirement to possess notification of negative test result</i>	<i>Requirement to book and undertake tests</i>	<i>Requirement to self-isolate</i>	<i>Requirement to comply with managed isolation</i>
		<i>Regulation 4</i>	<i>Regulation 6</i>	<i>Regulation 8</i>	<i>Regulation 10</i>	<i>Regulation 14</i>
					(work condition)	(work condition)
7.	Ship inspectors	Exempt access to passengers (no red list arrivals)	(no to list)	Exempt (unless red list arrival)	Exempt (residency condition)	Exempt (residency condition)
					Partial exemption (work condition)	Partial exemption (work condition)
8.	Air crew	Exempt access to passengers (no red list arrivals)	(no to list)	Exempt (unless red list arrival)	Exempt (residency condition)	Exempt (residency condition)
					Partial exemption (work condition)	Partial exemption (work condition)
9.	Transit passenger	Not exempt		Not exempt	Exempt	Exempt
10.	Road haulage worker	Not exempt		Exempt (unless red list arrival)	Exempt (residency condition)	Not exempt
					Partial exemption (work condition)	
11.	Civil aviation inspectors	Not exempt		Exempt (unless red list arrival)	Exempt (residency condition)	Not exempt
					Partial exemption (work condition)	
12.	Returning essential state workers	Not exempt		Certain categories exempt, conditions apply	Certain categories exempt, conditions apply	Certain categories exempt, conditions apply

		<i>Requirement to provide information</i> <i>Regulation 4</i>	<i>Requirement to possess notification of negative test result</i> <i>Regulation 6</i>	<i>Requirement to book and undertake tests</i> <i>Regulation 8</i>	<i>Requirement to self-isolate</i> <i>Regulation 10</i>	<i>Requirement to comply with managed isolation</i> <i>Regulation 14</i>
13.	Other returning essential workers	Not exempt	Exempt, conditions apply	Exempt, conditions apply	Exempt	Exempt
14.	Official repatriating prisoner	Not exempt	Not exempt	Exempt	Exempt (residency condition)  Partial exemption (work condition)	Not exempt
15.	Official escorting extradition subject	Not exempt	Not exempt	Exempt	Exempt (residency condition)  Partial exemption (work condition)	Not exempt
16.	Foreign official collecting extradition subject	Not exempt	Not exempt	Exempt	Exempt (residency condition)  Partial exemption (work condition)	Not exempt
17.	Essential water / sewerage worker	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
18.	Essential floods worker	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
19.	Essential utilities worker	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt

*Status: This is the original version (as it was originally made).*

		<i>Requirement to provide information</i> <i>Regulation 4</i>	<i>Requirement to possess notification of negative test result</i> <i>Regulation 6</i>	<i>Requirement to book and undertake tests</i> <i>Regulation 8</i>	<i>Requirement to self-isolate</i> <i>Regulation 10</i>	<i>Requirement to comply with managed isolation</i> <i>Regulation 14</i>
20. Essential nuclear worker	Not exempt	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
21. Chemical weapons inspector	Not exempt	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
22. Specialist aerospace engineer or worker	Not exempt	Not exempt	Not exempt	Not exempt	Exempt (residency condition)  Partial exemption (work condition)	Not exempt
23. Oil safety worker	Not exempt	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
24. Essential offshore (oil) worker	Not exempt	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
25. Postal operator	Not exempt	Not exempt	Not exempt	Not exempt	Exempt	Not exempt
26. Specialist technical worker (goods)	Not exempt	Certain categories exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
27. Specialist technical worker (waste management)	Not exempt	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
28. Medical courier	Not exempt	Exempt (unless red list arrival)	Exempt	Exempt	Partial exemption (work condition)	Not exempt
29. Medicines inspector	Not exempt	Not exempt	Not exempt	Not exempt	Partial exemption	Not exempt



		<i>Requirement to provide information</i>	<i>Requirement to possess notification of negative test result</i>	<i>Requirement to book and undertake tests</i>	<i>Requirement to self-isolate</i>	<i>Requirement to comply with managed isolation</i>
		<i>Regulation 4</i>	<i>Regulation 6</i>	<i>Regulation 8</i>	<i>Regulation 10</i>	<i>Regulation 14</i>
					(work condition)	
30.	Clinical trial worker	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
31.	Clinical investigation worker	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
32.	Qualified medicines worker	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
33.	Essential infrastructure worker	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
34.	Communications networks worker	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt
35.	Subsea fibre optic worker	Not exempt	Not exempt	Exempt	Partial exemption (work condition)	Not exempt
36.	Elite sportsperson	Not exempt	Not exempt	Exempt	Partial exemption, conditions apply	Not exempt
37.	Essential worker (film and high end TV production)	Not exempt	Not exempt	Not exempt	Partial exemption (work condition)	Not exempt

## PART 2

### Definitions of persons who are exempt, conditions, limitations of exemption and savings

#### *1. Diplomat*

##### Definition

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) an officer or servant of an international organisation,
  - (d) employed by an international organisation as an expert or on a mission,
  - (e) a representative to an international organisation,
  - (f) a representative at an international or United Kingdom conference who is granted privileges and immunities in the United Kingdom,
  - (g) a member of the official staff of a representative to an international organisation, or of a person falling within paragraph (f),
  - (h) described in paragraph (a) or (b) who is 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,
  - (i) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom,
  - (j) a representative of the government of a British Overseas territory,
  - (k) a diplomatic courier or a consular courier.
2. For the purposes of this entry—
  - (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 “consular officer”, “consular employee” and “member of the service staff” as defined in Schedule 1 of the Consular Relations Act 1968<sup>(17)</sup>, and “head of consular post” has the meaning given in that Schedule,
  - (f) “member of a diplomatic mission” means “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<sup>(18)</sup>.

General conditions for exemption: the double confirmation condition

<sup>(17)</sup> 1968 c. 18. There are amendments but none is relevant

<sup>(18)</sup> 1964 c. 81. There are amendments but none is relevant

- 3.—(1) In this entry the double confirmation condition means that—
- (a) the relevant diplomatic head, or a person acting on their authority, (H) confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake work in the United Kingdom which is essential to—
    - (i) the functioning of the diplomatic office served by relevant diplomatic head, or
    - (ii) the foreign country, foreign territory or British overseas territory represented by the relevant diplomatic head,
  - (b) H has confirmed in writing to the Foreign, Commonwealth and Development Office that
    - (i) P is not required to comply with regulation 4,
    - (ii) P is not required to comply with regulation 6,
    - (iii) P is not required to comply with regulation 8,
    - (iv) P’s work cannot be undertaken whilst P is complying with regulation 10, or
    - (v) P is not required to comply with regulation 14 and Schedule 7(as the case may be),
  - (c) the Foreign, Commonwealth and Diplomatic Office has then confirmed in writing to H that—
    - (i) it has received the confirmations set out above,
    - (ii) P is travelling to the United Kingdom to conduct official business with the United Kingdom, and
  - (d) the Foreign, Commonwealth and Diplomatic Office has then confirmed in writing to H that—
    - (i) P is not required to comply with regulation 4,
    - (ii) P is not required to comply with regulation 6,
    - (iii) P is not required to comply with regulation 8,
    - (iv) P is not required to comply with regulation 10, or
    - (v) P is not required to comply with regulation 14 and Schedule 7(as the case may be).

(2) In this paragraph “the relevant diplomatic head” means the head of the mission, consular post, international organisation, conference, office representing a foreign territory in the United Kingdom, or a Governor of a British overseas territory (as the case may be).

Condition for exemption from requirement to provide information

4.—(1) Where P is a person described in paragraph 1 and P meets the double confirmation condition, P is not required to comply with regulation 4.

(2) Where F is a member of the family forming part of the household of P, F is not required to comply with regulation 4 if—

- (a) P satisfies sub-paragraph (1),
- (b) the Foreign, Commonwealth and Development Office has been notified of F’s arrival, and
- (c) the Foreign, Commonwealth and Development Office has confirmed in writing that F is not required to comply with regulation 4.

Conditions for exemption from requirement to possess negative test result

5. Where P is a person described in paragraph 1(i) or (j) and meets the double confirmation condition, P is not required to comply with regulation 6.

Conditions for exemption from requirement to book and undertake tests

6.—(1) Where P is a person described in paragraph 1 and P meets the double confirmation condition, P is not required to comply with regulation 8.

(2) Where F is a member of the family forming part of the household of P, F is not required to comply with regulation 8 if—

- (a) P satisfies sub-paragraph (1),
- (b) the Foreign, Commonwealth and Development Office has been notified of F's arrival, and
- (c) the Foreign, Commonwealth and Development Office has confirmed in writing that F is not required to comply with regulation 8.

Conditions for exemption from requirement to self-isolate

7.—(1) Where P is a person described in paragraph 1 and meets the double confirmation condition, P is not required to comply with regulation 10.

(2) Where P is—

- (a) a diplomat within the meaning of paragraph 1, but sub-paragraph (1) of this paragraph does not apply, or
- (b) P is a member of the family forming part of the household of P,

P is not obliged to comply with the requirements set out in regulation 12(4) and (5).

8.—(1) Where P is a person described in paragraph 1(c) and meets the conditions set out in sub-paragraph (2), P is not required to comply with regulation 10.

(2) Those conditions are that—

- (a) the international organisation confirms in writing that—
  - (i) P is required, from time to time, by that international organisation to return to Northern Ireland for a resilience break,
  - (ii) P is travelling to Northern Ireland solely for the purposes of that resilience break, and
  - (iii) that resilience break cannot be undertaken in the country in which P works, and
- (b) the Department has then confirmed in writing to the international organisation that—
  - (i) it has received that confirmation, and
  - (ii) P is not required to comply with regulation 10.

Conditions for exemption from requirement to comply with managed isolation

9.—(1) Where P is a person described in paragraph 1(a) to (h) or (k) and meets the double confirmation condition, P is not required to comply with regulation 14 and Schedule 7.

(2) Where F is a member of the family forming part of the household of P, F is not required to comply with regulation 14 and Schedule 7 if—

- (a) P satisfies sub-paragraph (1),
- (b) the Foreign, Commonwealth and Development Office has been notified of F's arrival, and
- (c) the Foreign, Commonwealth and Development Office has confirmed in writing that F is not required to comply with regulation 14 and Schedule 7.

10.—(1) Where P is a person described in paragraph 1(i) or (j) and meets the double confirmation condition, P is not required to comply with regulation 14 and Schedule 7.

(2) Where F is a member of the family forming part of the household of P, F is not required to comply with regulation 14 and Schedule 7 if—

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

- (b) the Foreign, Commonwealth and Development Office has been notified of F's arrival, and
- (c) the Foreign, Commonwealth and Development Office has confirmed in writing that F is not required to comply with regulation 14 and Schedule 7.

11. But where paragraphs 9 or 10(2) apply—

- (a) the person must enter into self-isolation, in accordance with regulation 10, as if the person were an amber list arrival,
- (b) none of the exemptions set out in this Schedule in respect of self-isolation apply to that person, and
- (c) the person is not required to comply with the requirements set out in regulation 10 while undertaking the work or activity described in paragraph 1(a) to (h) or (k), (as the case may be).

12.—(1) Where P is a person described in paragraph 1(c) and meets the conditions set out in sub-paragraph (2), P's obligations under regulation 14 and Schedule 7 apply with the modifications set out in sub-paragraph (3).

(2) Those conditions are that—

- (a) the international organisation confirms in writing that—
  - (i) P is required, from time to time, by that international organisation to return to Northern Ireland for a resilience break,
  - (ii) P is travelling to Northern Ireland solely for the purposes of that resilience break, and
  - (iii) that resilience break cannot be undertaken in the country in which P works, and
- (b) the Department has then confirmed in writing to the international organisation that—
  - (i) it has received that confirmation, and
  - (ii) P is not required to comply with regulation 14 and Schedule 7

(3) Those modifications are that—

- (a) references in Schedule 7 to a place in accommodation designated by the Department are to be read as references to P's home,
- (b) there is no requirement to use transport facilitated by the Department in order to reach their home,
- (c) no charge may be imposed by the Department in relation to accommodation where P stays,
- (d) the definition of "place" in paragraph 12 of Schedule 7 does not apply.

Savings

13. This entry is without prejudice to any immunity from jurisdiction or inviolability which is accorded to any person described in paragraph 1 under the law of Northern Ireland apart from these Regulations.

## *2. Crown servant (border work)*

14.—(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 within the period during which they would, but for this exemption, have had to isolate in accordance with Part 2, 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,

*Status: This is the original version (as it was originally made).*

(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 sub-paragraph (1) and paragraph 11—

- (a) “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989<sup>(19)</sup>,
- (b) “essential government work” means work which has been designated as such by a government department or employer,
- (c) “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

### *3. Crown servant (defence), armed forces, visiting forces*

15.—(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 green list country 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 amber list country, 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 sub-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.

### *4. Foreign official (border work)*

16. 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 within the period during which they would, but for this exemption, have had to isolate in accordance with Part 2, and that that work cannot be undertaken whilst the person is complying with Part 2, or

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(19) 1989 c. 6. Section 12 was amended by paragraph 22 of Schedule 10 to the Reserve Forces Act 1996 (c. 14), by paragraph 30 of Schedule 12 to the Government of Wales Act 1998 (c. 38), by paragraph 26 of Schedule 8 to the Scotland Act 1998 (c. 46), by paragraph 9(3) of Schedule 13 to the Northern Ireland Act 1998 (c. 47), by paragraph 9 of Schedule 6 to the Police (Northern Ireland) Act 2000 (c. 32), by paragraph 6 of Schedule 14 to the Energy Act 2004 (c. 20), by paragraph 58 of Schedule 4 to the Serious Organised Crime and Police Act 2005, by paragraph 34 of Schedule 10, and paragraph 1 of Schedule 12, to the Government of Wales Act 2006 (c. 32) and by paragraph 36 of Schedule 8 to the Crime and Courts Act 2013 (c. 22)

- (b) their deployment is in line with a standing bilateral or multilateral agreement with Her Majesty's Government on the operation of the Border controls within the United Kingdom.

#### *5. Seamen and masters*

17.—(1) Seamen and masters, as defined in section 313(1) of the Merchant Shipping Act 1995<sup>(20)</sup>, 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.

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

- (a) “the Maritime Labour Convention, 2006” means the Convention adopted on 23rd February 2006 by the General Conference of the International Labour Organisation,
- (b) “the Work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14th June 2007 by the International Labour Organisation.

#### *6. Pilots (maritime)*

18. A pilot, as defined in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995<sup>(21)</sup>, where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom.

#### *7. Ship inspectors*

19. An inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995<sup>(22)</sup>, 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.

#### *8. Air crew*

20.—(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 the 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 or any provision of EU-OPS, 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,

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<sup>(20)</sup> 1995 c. 21. There are amendments to section 313(1) but none are relevant

<sup>(21)</sup> Schedule 3A was inserted by Schedule 1 to the Marine Safety Act 2003 (c. 16)

<sup>(22)</sup> There are amendments to section 256 but none are relevant

- (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,
- (c) “EU-OPS” has the meaning given in paragraph 1 of Schedule 1 to the Air Navigation Order 2016.

#### *9. Transit passenger*

21. A person who, on arrival in the United Kingdom—
- (a) passes through to another country or territory without alighting from the conveyance by which they arrived in the United Kingdom, or
  - (b) alighted from the conveyance by which they arrived in 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.

#### *10. Road haulage worker*

- 22.—(1) A person who is—
- (a) 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
  - (b) 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<sup>(23)</sup>, and who is acting in the course of their employment.
- (2) For the purposes of this paragraph—
- (a) “driver” includes a person who is travelling in a vehicle as a relief driver,
  - (b) “goods vehicle” has the meaning given in Article 2(1) of the Road Traffic (Northern Ireland) Order 1981.

#### *11. Civil aviation inspector*

23. Civil aviation inspectors, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7th December 1944<sup>(24)</sup>, where they have travelled to the United Kingdom when engaged on inspection duties.

#### *12. Returning essential state worker*

- 24.—(1) Any person who a government department has certified as meeting the description in sub-paragraph (a), (b), (c) or (d)—
- (a) a Crown servant or government contractor who is required to undertake essential policing or essential government work in the United Kingdom within the period during which they would, but for this paragraph, have had to isolate in accordance with these Regulations,

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<sup>(23)</sup> OJ No. L 300, 14.11.2009, p. 72

<sup>(24)</sup> 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 978-92-9258-304-9)



- (b) a person returning from conducting essential policing or essential government work outside the United Kingdom,
  - (c) a person returning from conducting essential state business outside of the United Kingdom,
  - (d) a person returning to the United Kingdom where this is necessary to facilitate 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.
- (2) For the purposes of sub-paragraph (1)—
- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency,
  - (b) “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989,
  - (c) “essential government work” means work which has been designated as such by a government 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 in the entry relating to Crown servants (border work) in this Schedule,
  - (d) “essential policing” means policing which has been designated as such on behalf of a chief officer or a chief constable,
  - (e) “essential state business” means activity which has been designated as essential to the United Kingdom or Her Majesty’s Government by a government 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,
  - (f) “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

Condition for exemption from requirement to possess notification of negative test result

25. Where P is a person described in paragraph 24(1)(a), (b) or (c), P is not required to comply with regulation 6 where a government department has certified, prior to P’s departure to the United Kingdom, that P meets this description and is not required to comply.

Condition for exemption from requirement to book and undertake test

26. Where P is a person described in paragraph 24(1)(a) or (c), P is not required to comply with regulation 8 where a government department has certified that P meets this description and that P is not required to comply.

Condition for exemption from requirement to self-isolate

27. Where P is a person described in paragraph 24(1)(a), (c) or (d), P is not required to comply with regulation 10 where a government department has certified, prior to P’s departure to the United Kingdom that P meets this description and is not required to comply.

Condition for exemption from requirement to comply with managed isolation

28. Where P is a person described in paragraph 24(1)(a), (b), (c) or (d), P is not required to comply with regulation 14 and Schedule 7 while undertaking that work or activity where a government department has certified that P meets this description and that P is not required to comply while undertaking that work or activity.

### *13. Other returning essential workers*

29.—(1) A person who is—

*Status: This is the original version (as it was originally made).*

- (a) required to undertake essential or emergency work in the United Kingdom, or
- (b) returning from undertaking such work outside of the United Kingdom, where a government department has certified P's work as necessary to facilitate essential government work or essential state business.

(2) For the purposes of sub-paragraph (1) "essential government work" and "essential state business" have the same meaning as in paragraph 24.

Condition for exemption from requirement to possess notification of negative test result

30. Where P is a person described in paragraph 29(1)(b), P is not required to comply with regulation 6 where, prior to P's departure to the United Kingdom, a government department has certified that P is not required to comply with regulation 6.

Condition for exemption from requirement to book and undertake test

31. P is not required to comply with regulation 8 where a government department has certified that P is not required to comply with regulation 8.

Condition for exemption from requirement to self-isolate

32. Where P is a person described in paragraph 29(1)(b), P is not required to comply with regulation 10 where a government department has certified that P is not required to comply with regulation 10.

Condition for exemption from requirement to comply with managed isolation

33. P is not required to comply with regulation 14 and Schedule 7 where a government department has certified that P is not required to comply with regulation 14 and Schedule 7

#### *14. Official repatriating a prisoner*

34. A person designated by the relevant Minister under section 5(3) of the Repatriation of Prisoners Act 1984(25).

#### *15. Official escorting extradition subject*

35. A person responsible for escorting a person sought for extradition pursuant to a warrant issued under Part 3 of the Extradition Act 2003(26) or sought for extradition pursuant to any other extradition arrangements.

#### *16. Foreign official collecting extradition subject*

36. A representative of any territory travelling to the United Kingdom in order to take into custody a person whose surrender has been ordered pursuant to any provision of the Extradition Act 2003.

#### *17. Essential water / sewerage worker*

37.—(1) A worker engaged in essential or emergency works—

- (a) related to water supplies and sewerage services, and
- (b) carried out by a relevant undertaker,

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

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(25) 1984 c. 47

(26) 2003 c. 41

- (a) “essential or emergency works” includes—
  - (i) inspections, maintenance, repairs, and asset replacement activities,
  - (ii) monitoring, sampling and analysis of water supplies under the Private Water Supplies Regulations (Northern Ireland) 2017(27), or the Water Supply (Water Quality) Regulations (Northern Ireland) 2017(28),
- (b) “sewerage services” has the meaning given in Article 2(2) of the Water and Sewerage Services (Northern Ireland) Order 2006(29),
- (c) “relevant undertaker” has the meaning given Article 2(2) of the Water and Sewerage Services (Northern Ireland) 2006.

#### *18. Essential floods worker*

38. A worker engaged in essential or emergency works on behalf of the Department for Infrastructure relating to—

- (a) flood risk, within the meaning of the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009(30), or
- (b) protection against flooding, within the meaning of the Drainage (Northern Ireland) Order 1973(31),
- (c) the drainage of roads within the meaning of the Roads (Northern Ireland) Order 1993(32).

#### *19. Essential utilities worker*

39.—(1) A worker engaged in essential or emergency works—

- (a) related to—
  - (i) a generating station,
  - (ii) an electricity interconnector,
  - (iii) a district heat network as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014(33),
  - (iv) communal heating as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014,
  - (v) automated ballast cleaning and track re-laying systems on a network, or
  - (vi) the commissioning, maintenance and repair of industrial machinery for use on a network, or
- (b) carried out by or on behalf of—
  - (i) the national system operator,
  - (ii) a person holding a transmission licence,
  - (iii) a person holding a distribution licence,
  - (iv) a person holding a licence under Article 8 of the Gas (Northern Ireland) Order 1996(34),

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(27) S.R. 2017 No. 211

(28) S.R. 2017 No. 212

(29) S.I. 2006/3336 (N.I.21)

(30) S.R. 2009 No. 376, amended by S.R. 2018 No. 196, S.R. 2018 No. 137

(31) 1973 (N.I. 1)

(32) 1993 (N.I. 15)

(33) S.I. 2014/3120. There are no relevant amending instruments

(34) S.I. 1996/275 (N.I. 2)

- (v) a LNG facility as defined in Article 3 of the Gas (Northern Ireland) Order 1996, or
- (vi) a person holding access rights under regulation 4 or holding a European licence granted under regulation 44 or recognised under regulation 45 of the Railways (Infrastructure Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016<sup>(35)</sup>,

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

- (a) “distribution licence” means a licence granted under Article 10(1)(bb) of the Electricity (Northern Ireland) Order 1992<sup>(36)</sup>,
- (b) “essential or emergency works” includes commissioning, inspections, maintenance, repairs, and asset replacement activities,
- (c) “national system operator” means the person operating the national transmission system for Northern Ireland,
- (d) “network”, in sub-paragraph (1)(a)(v), has the meaning given in section 83(1) of the Railways Act 1993<sup>(37)</sup>,
- (e) “transmission licence” means a licence granted under Article 10(1)(b) of the Electricity (Northern Ireland) Order 1992,
- (f) “generating station”, and “transmission system” have the meanings given in Article 3 of the Electricity (Northern Ireland) Order 1992.

#### *20. Essential nuclear worker*

40.—(1) A person who is—

- (a) nuclear personnel, and who is essential to the safe and secure operations of a site in respect of which a nuclear site licence has been granted,
- (b) a nuclear emergency responder, or
- (c) an agency inspector,

where the person has travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

- (a) “agency inspector” has the meaning given in section 1(1) of the Nuclear Safeguards Act 2000<sup>(38)</sup>,
- (b) “nuclear emergency responder” means any person providing assistance to the United Kingdom in accordance with the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency done at Vienna on 26 September 1986, who has been duly notified to and accepted by the United Kingdom, where the United Kingdom has requested assistance under that Convention,
- (c) “nuclear personnel” means—
  - (i) a worker who is employed to carry out work on or in relation to a site in respect of which a nuclear site licence has been granted, or
  - (ii) an employee of the Nuclear Decommissioning Authority<sup>(39)</sup>,

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<sup>(35)</sup> S.R. 2016 No. 420

<sup>(36)</sup> S.I. 1992/231 (N.I. 1)

<sup>(37)</sup> 1993 c. 43. There are amendments to section 83(1) but none is relevant

<sup>(38)</sup> 2000 c. 5

<sup>(39)</sup> The Nuclear Decommissioning Authority was established by section 1 of the Energy Act 2004

- (d) “nuclear site licence” has the meaning given in section 1 of the Nuclear Installations Act 1965(40).

### *21. Chemical weapons inspector*

41. An Inspector from the Organisation for the Prohibition of Chemical Weapons, within the meaning given to “inspector” by section 24(e) of the Chemical Weapons Act 1996(41), who has travelled to the United Kingdom for the purposes of an inspection.

### *22. Specialist aerospace engineer or worker*

42.—(1) A specialist aerospace engineer, or a specialist aerospace worker, where they have travelled to the United Kingdom in the course of their work.

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

- (a) “specialist aerospace engineer” means a person who is employed or otherwise engaged to provide engineering services for the purpose of ensuring the continued operation of aviation activities (including but not limited to the provision of maintenance and repair services for production lines, aviation components, grounded aircraft and new aircraft),
- (b) “specialist aerospace worker” means a person who is employed or otherwise engaged to provide services for the purpose of ensuring safety management and quality assurance as required by relevant standards, guidance and publications on aviation safety produced by the Civil Aviation Authority or the European Union Aviation Safety Agency(42).

### *23. Oil safety worker*

43.—(1) A person engaged in operational, maintenance or safety activities of a downstream oil facility that has a capacity in excess of 20,000 tonnes, where —

- (a) the downstream oil facility is engaged in a specified activity carried on in the United Kingdom in the course of a business, and contributes (directly or indirectly) to the supply of crude oil based fuels to consumers in the United Kingdom or persons carrying on business in the United Kingdom, and
- (b) the activities are required to ensure continued safe operation of the facility,

where they have travelled to the United Kingdom in the course of their work.

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

- (a) a facility has a capacity in excess of 20,000 tonnes at any time if it was used in the previous calendar year for the purposes of downstream oil sector activities in relation to more than that number of tonnes of oil,
- (b) “specified activities” are—
- (i) storing oil,

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(40) 1965 c. 57. Section 1 was substituted by paragraph 17 of Schedule 2 to the Energy Act 2013 (c. 32); by virtue of section 1(2), a licence described in section 1(1) is referred to as a “nuclear site licence”

(41) 1996 c. 6

(42) The Civil Aviation Authority was established under section 1(1) of the Civil Aviation Act 1971 (c. 75). That Act was replaced by a consolidating statute, the Civil Aviation Act 1982 (c. 16), section 2(1) of which provides for the continued existence of the Civil Aviation Authority. There are amendments to section 2 but none is relevant. The European Union Aviation Safety Agency was established by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91

*Status: This is the original version (as it was originally made).*

- (ii) handling oil,
- (iii) the carriage of oil by sea or inland water,
- (iv) conveying oil by pipes,
- (v) refining or otherwise processing oil.

#### *24. Essential offshore (oil) worker*

- 44.—(1) A worker undertaking, or required to commence—
- (a) activities on or in relation to offshore installations,
  - (b) activities on or in relation to upstream petroleum infrastructure,
  - (c) critical safety work on offshore installations and wells that are being decommissioned or which are being preserved pending demolition or reuse, or
  - (d) activities for the provision of workers, goods, materials or equipment or other essential services required to support the safe operation of the activities referred to in paragraphs (a) to (c).
- (2) For the purposes of sub-paragraph (1)—
- (a) “offshore installations” has the meaning given in section 44 of the Petroleum Act 1998<sup>(43)</sup>,
  - (b) “upstream petroleum infrastructure” has the meaning given in section 9H of that Act<sup>(44)</sup>,
  - (c) “wells” has the meaning given in section 45A(10) of that Act<sup>(45)</sup>.

#### *25. Postal operator*

45. A postal operator, as defined in section 27(3) of the Postal Services Act 2011<sup>(46)</sup>, where they have travelled to the United Kingdom in the course of their work.

#### *26. Specialist technical worker (goods)*

46. A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works or services (including commissioning, maintenance and repairs and safety checks) to ensure the continued production, supply, movement, manufacture, storage or preservation of goods, where they have travelled to the United Kingdom in the course of their work or otherwise to commence or resume their work.

Conditions for exemption from requirement to possess negative test result

47. P is exempt from the requirement to possess a negative test result under regulation 6 if P’s skills are required for emergency works or services, but not if required for essential works or services (within the meaning of paragraph 46).

#### *27. Specialist technical worker (waste management)*

48. A worker with specialist technical skills where those specialist technical skills are required for essential or emergency works (including commissioning, maintenance, repairs and safety checks) or to fulfil contractual obligations or warranty specifications in, or in connection with, waste management facilities used for the management, sorting, treatment, recovery, or disposal of waste

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<sup>(43)</sup> 1998 c. 17. Section 44 was amended by paragraph 11 of Schedule 1 to the Energy Act 2008 (32)

<sup>(44)</sup> Section 9H was substituted by section 74(2) of the Energy Act 2016 (c. 20)

<sup>(45)</sup> Section 46A was inserted by section 75(1) of the Energy Act 2008

<sup>(46)</sup> 2011 c. 5

(including energy from waste), where they have travelled to the United Kingdom in the course of their work.

#### *28. Medical courier*

49. A person who has travelled to the United Kingdom for the purpose of transporting, material which consists of, or includes, human cells or blood which are to be used for the purpose of providing healthcare.

#### *29. Medicines inspector*

50. A person who is an “inspector” within the meaning of regulation 8(1) of the Human Medicines Regulations 2012<sup>(47)</sup>, or who has been appointed as an inspector under regulation 33 of the Veterinary Medicines Regulations 2013, and who has travelled to the United Kingdom to undertake activities in relation to that role.

#### *30. Clinical trial worker*

51.—(1) A person who—

(a) has travelled to the United Kingdom to—

- (i) conduct a clinical trial within the meaning of “conducting a clinical trial” in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004<sup>(48)</sup>,
- (ii) undertake such activities as are necessary or expedient to prepare for the conduct of a clinical trial, or
- (iii) in relation to a clinical trial, to carry out any necessary compliance activity that cannot be conducted remotely,

(b) is a “qualified person” within the meaning of regulation 43 of those Regulations, where they have travelled to the United Kingdom in order to undertake activities in relation to their role as such a person, or

(c) is a “sponsor” within the meaning given in regulation 2(1) of those Regulations, or carries out the functions or duties of a sponsor, of a clinical trial and has travelled to the United Kingdom to undertake activities in relation to a clinical trial.

(2) For the purposes of sub-paragraph (1), “clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004.

#### *31. Clinical investigation worker*

52. A person who has travelled to the United Kingdom—

- (a) to conduct a “clinical investigation” within the meaning of the Medical Devices Regulations 2002<sup>(49)</sup>,
- (b) to undertake such activities as are necessary or expedient to prepare for the conduct of a clinical investigation, or
- (c) to carry out any other necessary compliance activity in relation to a clinical investigation,

where none of these functions can be carried out remotely.

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<sup>(47)</sup> [S.I. 2012/1916](#)

<sup>(48)</sup> [S.I. 2004/1031](#), to which there are amendments not relevant to these Regulations

<sup>(49)</sup> [S.I. 2002/618](#)

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### 32. *Qualified medicines worker*

53. A person who is—

- (a) a “qualified person” within the meaning of regulation 41(2) of the Human Medicines Regulations 2012<sup>(50)</sup>,
- (b) a “responsible person” within the meaning of regulation 45(1) of those Regulations,
- (c) “an appropriately qualified person responsible for pharmacovigilance” within the meaning of regulation 182(2)(a) of those Regulations, or
- (d) “a qualified person (manufacture)” as referred to in paragraph 8(2) of Schedule 2 to the Veterinary Medicines Regulations 2013,

where they have travelled to the United Kingdom in order to undertake activities in relation to their role as such a person.

### 33. *Essential infrastructure worker*

54.—(1) A person who has travelled to the United Kingdom for the purposes of their work in essential infrastructure industries including—

- (a) a person involved in essential maintenance and repair of data infrastructure required to reduce and resolve outages, or in the provision of goods and services to support these activities’ and
- (b) an information technology and telecommunications professional (including information technology consultant, quality analyst, software tester, systems tester, and telecommunications planner), whose expertise is required to—
  - (i) provide an essential or emergency response to threats and incidents relating to the security of any network and information system, and
  - (ii) ensure the continued operation of any network and information system.

(2) For the purposes of sub-paragraph (1), “network and information” system has the meaning in regulation 1(2) of the Network and Information Systems Regulations 2018<sup>(51)</sup>.

### 34. *Communications networks worker*

55. A person who is engaged in urgent or essential work—

- (a) that is necessary for the continued operation of—
  - (i) electronic communications networks and services as defined in section 32 of the Communications Act 2003<sup>(52)</sup>, or
  - (ii) the BBC’s broadcasting transmission network and services,
- (b) in associated supply chain companies that maintain the confidentiality, integrity, and availability of the electronic communications networks and services and the BBC transmission network and services,

where they have travelled to the United Kingdom in the course of their work.

### 35. *Subsea fibre optic worker*

56. A person—

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<sup>(50)</sup> S.I. 2012/1916

<sup>(51)</sup> S.I. 2018/506

<sup>(52)</sup> 2003 c. 21



- (a) who is engaged in the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,
- (b) whose role directly supports the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,

where they have travelled to the United Kingdom in the course of their work.

### 36. *Elite sportsperson*

#### Definition

57.—(1) An elite sportsperson is a person who is—

- (a) a domestic elite sportsperson (see definition in paragraph 58),
- (b) an international elite sportsperson (see definition in paragraph 59),
- (c) a domestic ancillary sportsperson, (see definition in paragraph 60) or
- (d) an international ancillary sportsperson (see definition in paragraph 61).

(2) Further definitions relevant to this entry are given in paragraph 62.

58.—(1) For the purposes of this entry “domestic elite sportsperson” means an individual who is a domestic elite athlete.

(2) For the purposes of this entry “elite athlete” means an individual who—

- (a) derives a living from competing in a sport,
- (b) plays in a professional league or competition,
- (c) is a senior representative nominated by a relevant sporting body, or
- (d) is on an elite development pathway for a major competition.

59.—(1) For the purposes of this entry “international elite sportsperson” means an individual who is an international elite athlete.

(2) For the purposes of this paragraph “international elite athlete” means an individual who—

- (a) derives a living from competing in a sport,
- (b) plays in a professional league or competition,
- (c) is a senior representative nominated by a relevant sporting body, or
- (d) is on an elite development pathway for a major competition.

60. For the purposes of this entry “domestic ancillary sportsperson” means an individual essential to—

- (a) the running of an elite sports event, including—
  - (i) operational staff essential to the running of that elite sports event,
  - (ii) event officials and referees, or
- (b) the support of a domestic elite sportsperson, including—
  - (i) sports team medical, logistical, technical and administration staff,
  - (ii) individual domestic elite sportsperson medical and technical support staff,
  - (iii) horse grooms and trainers,
  - (iv) motorsport mechanics and technical staff,
  - (v) the parent or carer of a domestic elite sportsperson under the age of 18.

61. For the purposes of this entry “international ancillary sports person” means an individual essential to—

- (a) the running of a specified competition, including—
  - (i) operational staff essential to the running of a specified competition,
  - (ii) competition officials and referees,
  - (iii) broadcast staff and journalists covering a specified competition, or
- (b) the support of an international elite sports person, including—
  - (i) sports team medical, logistical, technical and administration staff,
  - (ii) individual international elite sports person medical and technical support staff,
  - (iii) horse grooms and trainers,
  - (iv) motorsport mechanics and technical staff,
  - (v) the parent or carer of an international elite sports person under the age of 18.

62. For the purposes of this entry—

“elite development pathway” means a development pathway established by a recognised national governing body of a sport to prepare sports persons—

- (a) so that they may derive a living from competing in that sport, or
- (b) to compete in a major competition in that sport,

“elite sports event” means a specified competition or other sporting event in which the participants compete—

- (a) to derive a living, or
- (b) to qualify for the right to compete in a major competition,

“major competition” means the following, where they are scheduled to be held in 2021 or 2022—

- (a) the Olympic Games, Paralympic Games or Commonwealth Games,
- (b) a European, World or international championship organised by the international governing body of a sport, or national governing bodies of a sport,
- (c) an inter-county league or inter-county competition in Northern Ireland or Ireland, where that league or competition is organised by the national governing body of a sport,

“major competition qualifying event” means a specified competition or other sporting event in which the participants compete to qualify for the right to compete in a major competition.

“relevant sporting body” in relation to a sports person means—

- (a) the recognised national governing body of a sport which may nominate athletes to compete in a major competition, or
- (b) the regional governing body of a sport which may nominate athletes to represent a county in Northern Ireland or Ireland in an inter-county league or inter-county competition, where that league or competition is organised by the national governing body of the sport,

“senior representative” means an individual who is considered by a relevant sporting body to be a candidate to qualify to compete—

- (a) in a major competition,
- (b) on behalf of a county in Northern Ireland or Ireland, in an inter-county league or inter-county competition where that league or competition is organised by the national governing body of a sport,

“specified competition” means a competition which is specified as such by the Department, and the Department may publish details of specified competitions in such manner as appears to it to be appropriate.

Condition for partial exemption from requirement to self-isolate

63.—(1) An elite sportsperson must provide, on arrival in Northern Ireland, written evidence from a United Kingdom, Northern Irish or Irish sport’s national governing body, that the elite sportsperson satisfies the definition of an elite sportsperson who is exempt under this entry.

(2) A domestic elite sportsperson must either—

- (a) have been outside Northern Ireland in order to compete in an elite sports event, and has returned to Northern Ireland with the intention of continuing activities as a sportsperson,
- (b) have been outside Northern Ireland in order to participate in training for a major competition or a major competition qualifying event and has returned to Northern Ireland with the intention of continuing activities as a sportsperson, or
- (c) be a United Kingdom sportsperson who is not habitually resident in the United Kingdom and has travelled to Northern Ireland in order to participate in training for, or to compete in, an elite sports event.

(3) An international elite sportsperson must have travelled to Northern Ireland in order to participate in a specified competition.

(4) A domestic ancillary sportsperson must either—

- (a) have been outside Northern Ireland in order to participate in the running of an elite sports event, or
- (b) have been outside Northern Ireland or in order to support a domestic elite sportsperson who satisfies sub-paragraph (2)(a) or (b),

and has returned to Northern Ireland with the intention of continuing activities as a domestic ancillary sportsperson.

(5) An international ancillary sportsperson must have travelled to Northern Ireland in order to—

- (a) participate in the running of an elite sports event, or
- (b) support an international elite sportsperson who satisfies paragraph (3).

Nature of partial exemption from requirement to self-isolate

64.—(1) Where P is a domestic elite sportsperson, P is not in breach of regulation 10 in respect of the following—

- (a) where P travels to, from or between, or attends the location of—
  - (i) an elite sports event in which P is competing,
  - (ii) training for an elite sports event,
- (b) where P enters into or remains in isolation with—
  - (i) domestic elite sportspersons or international elite sportspersons who are competing in, or training for that elite sports event, or
  - (ii) domestic ancillary sportspersons or international ancillary sportspersons involved in that elite sports event.

(2) Where P is an international elite sportsperson, P is not in breach of regulation 10 in respect of the following—

- (a) where P travels to, from or between, or attends the location of—
  - (i) the specified competition in which P is competing, or

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- (ii) training for the specified competition in which P is competing,
- (b) where P enters into or remains in isolation with—
  - (i) domestic elite sportspersons or international elite sportspersons who are competing in or training for that specified competition, or
  - (ii) domestic ancillary sportspersons or international ancillary sportspersons involved in that specified competition.
- (3) Where P is a domestic ancillary sportsperson, P is not in breach of regulation 10 in respect of the following—
  - (a) where P travels to, from, or between, or attends the location of—
    - (i) a place in which P’s presence is essential to the running of an elite sports event,
    - (ii) a place in which P provides essential support to a domestic elite sportsperson who is competing or in training for an elite sports event,
  - (b) where P enters into or remains in isolation with—
    - (i) domestic elite sportspersons or international elite sportspersons who are competing in or training for that elite sports event or any other elite sports event, or
    - (ii) domestic ancillary sportspersons or international ancillary sportspersons involved in that elite sports event or any other elite sports event.
- (4) Where P is an international ancillary sportsperson, P is not in breach of regulation 10 in respect of the following—
  - (a) where P travels to, from, or between, or attends the location of—
    - (i) a place in which P’s presence is essential to the running of an elite sports event,
    - (ii) a place in which P provides essential support to an international elite sportsperson who is competing or in training for an elite sports event,
    - (iii) the specified competition, or
    - (iv) training for the specified competition,
  - (b) where P enters into or remains in isolation with—
    - (i) domestic elite sportspersons or international elite sportspersons who are competing in or training for that that specified competition, or
    - (ii) domestic ancillary sportspersons or international ancillary sportspersons involved in that specified competition.

*37. Essential worker (film and high end TV productions)*

- 65.—(1) A person engaged in film and high end TV production where—
- (a) Northern Ireland Screen has nominated and the Department for the Economy has approved both the production and the person engaged in production for the purposes of this paragraph,
  - (b) Northern Ireland Screen has committed to investing at least £1 million in the production,
  - (c) Northern Ireland Screen has confirmed that the presence of the person in Northern Ireland is essential to the production,
  - (d) the person provides, on arrival in Northern Ireland, written evidence from the Department for the Economy, that the person satisfies the definition of a person engaged in film and high end TV production for the purposes of this paragraph.
- (2) For the purposes of this paragraph—

- (a) a person is engaged in film production if engaged in the making of a film which is a British film for the purposes of Schedule 1 to the Films Act 1985<sup>(53)</sup>,
- (b) a person is engaged in high end TV production if working on the making of a television programme which is a British programme for the purposes of Part 15A of the Corporation Tax Act 2009.

## SCHEDULE 5

Regulation 6

### Qualifying test

1. A test is a qualifying test if—
  - (a) it is a test for the detection of coronavirus undertaken using a device which the manufacturer states has—
    - (i) a sensitivity of at least 80%,
    - (ii) a specificity of at least 97%, and
    - (iii) a limit of detection of less than or equal to 100,000 SARS-CoV-2 copies per millilitre,
  - (b) it is not a test provided or administered under the National Health Service Act 2006, the National Health Service (Wales) Act 2006, the National Health Service (Scotland) Act 1978 or the Health and Personal Social Services (Northern Ireland) Order 1972, and
  - (c) the test sample is taken from the person no more than three days before—
    - (i) in the case of that person travelling to Northern Ireland on a commercial transport service, the service's scheduled time of departure, or
    - (ii) in any other case, the actual time of departure of the vehicle, vessel or aircraft on which that person is travelling to the common travel area.
2. For the purposes of paragraph 1—

“sensitivity”, in relation to a device, means how often the device correctly generates a positive result;

“specificity”, in relation to a device, means how often the device correctly generates a negative device.
3. Notification of a negative test result must include, in English, French or Spanish, the following information—
  - (a) the name of the person from whom the sample was taken,
  - (b) that person's date of birth,
  - (c) the negative result of the test,
  - (d) the date the test sample was collected or received by the test provider,
  - (e) the name of the test provider and information sufficient to contact that provider,
  - (f) a statement—
    - (i) that the test was a polymerase chain reaction test, or
    - (ii) of the name of the device that was used for the test.

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(53) 1985 c. 1

## SCHEDULE 6

Regulation 8

## Requirement to book and undertake tests (mandatory testing after arrival in Northern Ireland)

*Interpretation*

## 1.—(1) In this Schedule—

“approved private provider” means a test provider that has been approved by the Department (see paragraph 12),

“approved private test” means a test provided by an approved private provider, where the test has been approved by the Department (see paragraph 12),

“default isolation period” means—

(a) in the case of a green or amber list arrival, the period specified in regulation 10,

(b) in the case of a red list arrival, the period specified in Schedule 7,

“mandatory test” means a day 2 test or a day 8 test within the meaning of regulation 8,

“Public Health England” means the executive agency of that name of the Department of Health and Social Care,

“public provider” means a test provider who provides or administers a test under the National Health Service Act 2006, the National Health Service (Wales) Act 2006, the National Health Service (Scotland) Act 1978 or the Health and Personal Social Services (Northern Ireland) Order 1972

“relevant isolation provisions” means—

(a) in relation to a green list arrival, regulations 10 to 13, as modified by paragraph 11,

(b) in relation to an amber list arrival, regulations 10 to 13

(c) in relation to a red list arrival, regulation 14 and Schedule 7

(2) Where this Schedule requires P to enter into or continue to isolate in accordance with the relevant isolation provisions Part 4 applies in relation to that requirement as it applies in relation to the relevant isolation provisions.

*Requirement to isolate on failure to take a mandatory test (red list and amber list arrivals)*

## 2.—(1) This paragraph applies in respect of—

(a) red list arrivals,

(b) amber list arrivals.

## (2) This paragraph applies where—

(a) P fails to undertake a day 8 test, and

(b) either—

(i) P fails to undertake a day 2 test, or

(ii) P’s day 2 test generates a negative or inconclusive result.

(3) Subject to sub-paragraph (3), P must continue to isolate in accordance with the relevant isolation provision until the end of the 14th day after the day on which they arrived in Northern Ireland.

## (4) Where P undertakes a test to which paragraph 4(7)(b) applies and which generates—

(a) a positive result, paragraph 4(2) applies as if the test were a mandatory test,

- (b) a negative result, paragraph 4(4) applies as if—
  - (i) P had taken both a day 2 test and a day 8 test, and
  - (ii) both tests had generated a negative result.

*Requirement to isolate on failure to take a mandatory test (green list arrivals)*

- 3.—(1) This paragraph applies in respect of green list arrivals.
- (2) This paragraph applies where P fails to take a day 2 test.
- (3) P must enter into and remain in isolation in accordance with the relevant isolation provisions until the end of the 14th day after the day on which they arrived in Northern Ireland.
- (4) But if P subsequently takes a test to which sub-paragraph (5) applies and which generates—
  - (a) a positive result, paragraph 5(2) applies as if the test were a mandatory test,
  - (b) a negative result, P is no longer required to isolate in accordance with the relevant isolation provisions.
- (5) This sub-paragraph applies to a test which—
  - (a) complies with the requirements for a day 2 test specified in paragraph 6,
  - (b) is undertaken in the circumstances set out in paragraph 8 (other than the circumstances in paragraph 8(2) about when a test must be taken), and
  - (c) is undertaken within 10 days of the day on which P arrived in Northern Ireland.

*Consequences of test results (red list and amber list arrivals)*

- 4.—(1) This paragraph applies in respect of—
  - (a) red list arrivals,
  - (b) amber list arrivals.
- (2) Where a mandatory test undertaken by P generates a positive result—
  - (a) P must continue to isolate, in accordance with the relevant isolation provisions, until the end of the 10th day after the day P undertook the test,
  - (b) P may not leave Northern Ireland during this time, and accordingly, regulation 11(4)(a) and paragraph 11(1)(a) of Schedule 7 do not apply.
- (3) But B is not required to isolate under sub-paragraph (2)(c) where—
  - (a) the test referred to in sub-paragraph (2) is P's day 8 test, and
  - (b) B undertook a day 2 test that generated a positive result.
- (4) Where P's day 2 test and day 8 test both generate a negative result, P must continue to isolate in accordance with the relevant isolation provisions until the later of—
  - (a) the end of the default isolation period,
  - (b) the day on which P receives the result of their day 8 test.
- (5) Where a mandatory test undertaken by P generates an inconclusive result, P must continue to isolate in accordance with the relevant isolation provisions—
  - (a) until the end of the 10th day after the day P undertook the test,
  - (b) where P undertakes a test to which sub-paragraph (7) applies and the test generates a negative result, until the later of—
    - (i) the end of the default isolation period,

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- (ii) the day on which P receives the negative result, or
  - (c) where P undertakes a test to which sub-paragraph (7) applies and the test generates a positive result, until the end of the 10th day after the day P undertook the test.
- (6) Where sub-paragraph (5)(c) applies, P is not required to undertake a day 8 test in accordance with regulation 8.
- (7) This sub-paragraph applies to—
- (a) a day 8 test,
  - (b) a test—
    - (i) complying with the requirements for a day 8 test specified in paragraph 7,
    - (ii) undertaken in the circumstances specified in paragraph 8 (other than the circumstances in paragraph 8(2) about when a test must be undertaken), and
    - (iii) undertaken during the period specified in sub-paragraph (5)(a).

*Consequences of test results (green list arrivals)*

- 5.—(1) This paragraph applies in respect of green list arrivals.
- (2) Where a mandatory test undertaken by P generates a positive result—
- (a) P must enter into and remain in isolation, in accordance with the relevant isolation provisions, until the end of the 10th day after the day P undertook the test,
  - (b) P may not leave Northern Ireland during this time, and accordingly, regulation 11(4)(a) (as applied by paragraph 11) does not apply.
- (3) Where a mandatory test undertaken by P generates a negative result, there are no consequences.
- (4) Where a mandatory test undertaken by P generates an inconclusive result, P must enter into and remain in isolation—
- (a) until the end of the 10th day after the day P undertook the test, or
  - (b) where P undertakes a test to which sub-paragraph (5) applies and the test generates a negative result, the day on which P receives the negative result.
- (5) This sub-paragraph applies to a test which—
- (a) complies with the requirements for a day 2 test specified in paragraph 6,
  - (b) is undertaken in the circumstances set out in paragraph 8 (other than the circumstances in paragraph 8(2) about when a test must be taken), and
  - (c) is undertaken within 10 days of the day on which P arrived in Northern Ireland

*Day 2 tests: general test requirements*

6. For the purposes of regulation 8(11), a day 2 test complies with this paragraph where—
- (a) it is a test provided by a public provider, or
  - (b) it is an approved test provided by an approved private provider.

*Day 8 tests: general test requirements*

7. For the purposes of regulation 8(11), a day 8 test complies with this paragraph where—
- (a) it is a test provided by a public provider, or



- (b) it is an approved test provided by an approved private provider.

*Required circumstances for undertaking a day 2 test or a day 8 test*

- 8.—(1) The circumstances mentioned in regulation 8(11) are as follows.
- (2) In relation to—
- (a) a day 2 test, P undertakes the test no later than the end of the second day after the day on which P arrived in Northern Ireland,
  - (b) a day 8 test, P undertakes the test no earlier than the end of the seventh day after the day on which P arrived in Northern Ireland.
- (3) Subject to sub-paragraph (4), at the time the test is booked P notifies the test provider that P is to undertake the test under these Regulations and provides the test provider with—
- (a) the information set out in sub-paragraph (6),
  - (b) P’s home address,
  - (c) where P is a green list arrival, the address or addresses where they intend to stay during the period of 10 days beginning on the day after the date of their arrival in the United Kingdom,
  - (d) where P is an amber list arrival, the address or addresses at which they intend to self-isolate, or are self-isolating, in accordance with regulations 10 to 13 (if different from their home address),
  - (e) where P is a red list arrival, the address of the accommodation where they are complying with managed isolation in accordance with Schedule 7.
- (4) Where P is a child, or a person with a disability who is unable for that reason to provide the notification and information set out in this paragraph to the test provider—
- (a) the notification and information set out in this paragraph, other than the information in sub-paragraph (6)(j) and (k), is provided to the test provider on P’s behalf by another person (Y), and
  - (b) either the information set out in sub-paragraph (6)(j) and (k) is provided by Y to the test provider or, where appropriate, Y provides their own email address and telephone number to the test provider.
- (5) At the time the test is booked, the test is booked, the test provider gives P a test reference number and, where appropriate also provides that test reference number to Y.
- (6) That information is, in relation to P—
- (a) name,
  - (b) sex,
  - (c) date of birth,
  - (d) NHS number (if known and applicable)
  - (e) ethnicity,
  - (f) date of arrival in the United Kingdom,
  - (g) coach number, flight number or vessel name (as appropriate),
  - (h) date on which P last departed or transited through an amber or red list country,
  - (i) the country or territory P was travelling from when P arrived in the United Kingdom, and any country or territory P transited through as part of that journey,
  - (j) email address,

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- (k) telephone number,
- (l) passport number, or travel document reference number (as appropriate).

*Notification of test results (approved private providers)*

9.—(1) This paragraph applies to an approved private provider who administers or provides a test to P in the circumstances described in paragraph 8.

- (2) The approved private provider must, within 24 hours of the result becoming available—
  - (a) notify P, or where paragraph 8(4) applies, Y, by email, letter or text message, of the result of P's test, or
  - (b) make P's test result available to P, or where paragraph 8(4) applies, to Y via a secure web portal,

in accordance with sub-paragraph (3).

(3) The notification of P's result must include P's name, date of birth, passport number, or travel document reference number (as appropriate), the name and contact details of the test provider and P's test reference number, and must be conveyed using one of the following forms of words, as appropriate—

(4) See also paragraphs 11(4) and (5) of Schedule 2C to the Health Protection (Coronavirus, International Travel) (England) Regulations 2020(54) for additional requirements imposed upon approved private providers in respect of notifications to Public Health England arising out of tests.

*Charge for day 2 tests and day 8 tests*

10.—(1) The Department or a person designated by the Department may impose a charge in respect of mandatory tests provided by a public provider.

- (2) The Department—
  - (a) must publish details of the charges in such manner as the Department considers appropriate, and
  - (b) may recover any sum owed by a person in accordance to such a charge as a debt.

*Modification of self-isolation provisions for green list arrivals with a positive test result*

11.—(1) This paragraph applies where a green list arrival (P) is obliged, under paragraph 3(3) or 5(2)(a) to enter into and remain in self-isolation.

(2) Regulations 10 to 13 apply to P as they apply to amber list arrivals, with the modification that regulation 10(3) applies as if it required P to travel directly to the place where they are to self-isolate without specifying the period for which they must self-isolate.

*Approval of private providers and private tests*

- 12.—(1) The Department may, if it thinks fit, approve a private provider and a private test.
- (2) In determining whether or not to approve a private provider or a private test, the Department may—
- (a) consult—
    - (i) the Public Health Agency,
    - (ii) the Department for Health and Social Care,
    - (iii) Public Health England,
  - (b) consider any provisions set out or referred to in Schedule 2C to the Health Protection (Coronavirus, International Travel) (England) Regulations 2020, or any other enactment in England, Wales or Scotland which makes similar provision.
- (3) The Department may publish details of approved private providers and approved private tests in such manner as appears to the Department appropriate.
- (4) In this paragraph “Public Health Agency” means the Regional Agency for Public Health and Social Well-being established by section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009<sup>(55)</sup>.

SCHEDULE 7

Regulation 14

Managed isolation

*Managed isolation package*

1. In this Schedule, a “managed isolation package” means—
- (a) a booking for a place in accommodation designated by the Department for the purposes of this Schedule,
  - (b) a booking for transport facilitated by the Department to that accommodation, and
  - (c) a testing package required by regulation 8

*Limitation on ports of entry*

- 2.—(1) P may only enter Northern Ireland at a port designated for the purposes of this Schedule.
- (2) If P enters otherwise than at a designated port, this paragraph is satisfied if—
- (a) P travels directly to the accommodation set out in the package after entry,
  - (b) P reaches that accommodation within 2 hours of entry, and
  - (c) P does not interact with any person (other than a person P is travelling with) on the way to that accommodation.
- 3.—(1) The following ports are designated for the purposes of this Schedule—
- (a) the relevant area in Belfast International Airport,
  - (b) the relevant area in Belfast City Airport,

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(55) 2009 c. 1 (N.I.)

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(c) any military airfield or port.

(2) For the purposes of this paragraph “the relevant area” in a port means that part of the port which the Department has determined is the relevant area.

(3) The Department must publish details of its determinations of the relevant area in such manner as appears to the Department appropriate.

#### *Duties on arrival*

4. P must, on arrival in Northern Ireland, be in possession of a managed isolation package.

5. P must, on arrival in Northern Ireland, travel directly to the accommodation set out in the package, using the means of transport set out in the package (but this is subject to paragraph 2(2)).

6. If P is not in possession of a managed isolation package on their arrival in Northern Ireland, P must as soon as practicable obtain a managed isolation package and travel directly to the accommodation set out in the package, using the means of transport set out in the package.

#### *Charge for managed isolation package*

7.—(1) The Department may impose a charge in relation to the accommodation, transport and testing package in the managed isolation package.

(2) The Department [and a person designated by the Department] may recover any sum owed by P in relation to the package as a debt.

#### *Duty to remain in managed isolation and period of isolation*

8.—(1) P must enter into and remain in managed isolation in the place set out in the package until whichever is the later of—

- (a) the end of the period of 10 days beginning with the day after P’s arrival in Northern Ireland,
- (b) the end of the period for which P is required to isolate under Schedule 6.

(2) Sub-paragraph (1) does not apply if P leaves the common travel area where permitted to do so in accordance with these Regulations.

#### *Exceptions from duty remain in managed isolation*

9. P is not required to remain in managed isolation—

- (a) from any person with whom they were travelling when they arrived in Northern Ireland and who is also isolating in the place where P is isolating,
- (b) from any person who is staying in the place where P is isolating whose assistance P reasonably requires by reason of—
  - (i) P being a child, or
  - (ii) any disability of P’s,

10. P is not required to remain in managed isolation from a person (V) when V is at the place where P is isolating in exceptional circumstances, such as—

- (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,

- (c) to provide medical assistance to P or to any other person who is staying in the place where P is 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 social services or services provided to victims (such as victims of crime).

*Permitted reasons to leave or be outside the place of managed isolation*

11.—(1) During the period of their managed isolation, P may not leave, or be outside, the place where P is isolating, except—

- (a) to travel directly to a port to leave the common travel area, but this is subject to paragraph 3 of Schedule 6 (consequences of positive test result),
- (b) to fulfil a legal obligation, including attending court or satisfying bail conditions or to participate in legal proceedings,
- (c) to take exercise alone or with the persons referred to in paragraph 9(a),
- (d) to visit a person (D) whom P reasonably believes is dying, and where P is a member of D’s household or a close family member or friend of D,
- (e) to attend the funeral of—
  - (i) a member of P’s household, or
  - (ii) a close family member,
- (f) in other exceptional circumstances, such as—
  - (i) 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, chiropodists, chiropractors, osteopaths and other medical or health practitioners, including services relating to mental health,
  - (ii) to access critical public services, including social services or services provided to victims (such as victims of crime),
  - (iii) to avoid injury or illness or to escape risk of harm,
  - (iv) to access veterinary services where this is required urgently or on the advice of a veterinary surgeon.

(2) P may only leave, or be outside, the place where P is isolating in reliance on the grounds mentioned in sub-paragraphs (1)(c), (d) or (e)—

- (a) if P has been given prior permission by a person authorised by the Department for this purpose, and
- (b) if P complies with any reasonable requirements imposed by the person so authorised in relation to the exercise, the visit to the person or attendance at the funeral.

*Meaning of “place”*

12.—(1) For the purposes of this Schedule “place” means—

- (a) the room in the designated accommodation where P is staying, and
- (b) if connected to the room where P is staying, the room of any person referred to in paragraph 9(a),

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including any balcony.

(2) But “place” does not include the communal areas or any garden, yard, passage, stair, garage, outhouse or appurtenance of the accommodation in which the place is situated.

#### *Designations*

13. The Department must designate, for the purposes of this Schedule—

- (a) accommodation,
- (b) transportation to the designated accommodation,

and must publish details of the designations in such manner as appears to the Department appropriate.

#### *Duties where P is a child*

14. If P is a child—

- (a) any person who has custody or charge of P when P is travelling to Northern Ireland must ensure, so far as is reasonably practicable, that P complies with the obligations in paragraphs 4, 5 and 6,
- (b) any person who has custody or charge of P during P’s period of managed isolation must ensure, so far as is reasonably practicable, that P isolates in accordance with this Schedule.

#### *Person caring for P*

15. A person may reside in the place where P is residing in accordance with this Schedule in order to provide assistance to P, where P reasonably requires that assistance by reason of—

- (a) P being a child, or
- (b) any disability of P’s

and paragraphs 8 to 11 apply to that person as they apply to P for the period that those paragraphs apply to P.

#### *Duty to provide evidence of possession of managed isolation package*

16. A person who is obliged to possess a managed isolation package must provide evidence of it if requested by an immigration officer or constable.

#### *Modification of application of this Schedule where P is a relevant person*

17.—(1) Where P is a relevant person (see paragraphs 18 to 21), this Schedule applies to P with the following modifications—

- (a) the reference in paragraph 5 to the means of transport designated in the managed isolation package booked for P are to be read as references to transport determined by the Department,
- (b) the references in paragraphs 5, 7 and 8 to a managed isolation package are to be read as references to a managed isolation package containing such provisions as to accommodation, transport and testing as the Department considers appropriate,
- (c) paragraph 6 does not apply to P.

18. P is a relevant person if—

- (a) P is—

- (i) a person requiring urgent medical assistance,
  - (ii) a person on immigration bail,
  - (iii) a person who has been detained by an immigration officer,
  - (iv) a person who has been refused leave to enter the UK,
  - (v) an illegal entrant,
  - (vi) an asylum seeker,
  - (vii) a person who is in police custody,
  - (viii) an unaccompanied child, where it is not reasonable for a person with responsibility for P to reside with the child in accommodation designated by the Department for the purposes of this Schedule,
  - (ix) a prisoner,
  - (x) a potential victim of modern slavery; and
- (b) the Department has confirmed in writing that this paragraph applies in relation to P and has not withdrawn that confirmation.

19.—(1) P is a relevant person if—

- (a) P is, or was on the 1st September 2020, a child,
- (b) P travels to the UK for the purposes of receiving education at a boarding school in Northern Ireland at which education and accommodation is due to be provided for P,
- (c) P is not accompanied into the UK by an individual who has responsibility for P, or if P is aged 18, would have had such responsibility if P were a child, and
- (d) the Department has confirmed in writing that this paragraph applies in relation to P and has not withdrawn that confirmation.

(2) In this paragraph—

“boarding school” means a school which—

- (a) provides accommodation for its pupils on its own premises, or
- (b) arranges accommodation for its pupils to be provided elsewhere (other than in connection with a residential trip away from the school).

“school” has the meaning given in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986<sup>(56)</sup>.

20.—(1) P is a relevant person if—

- (a) P is vulnerable as a result of a severe medical or health condition,
- (b) P would not receive appropriate support in designated accommodation and that condition would be severely detrimentally impacted if P were required to isolate in such accommodation,
- (c) P has provided evidence from a suitably qualified or registered medical practitioner of the matters specified in paragraphs (a) and (b), and
- (d) the Department has confirmed in writing that this paragraph applies in relation to P and has not withdrawn that confirmation.

(2) P is also a relevant person if travelling with a person who is a relevant person by virtue of sub-paragraph (2), where it is necessary for P to care for that relevant person, and where the Department

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<sup>(56)</sup> 1986 No. 594 (N.I. 3)

has confirmed in writing that this paragraph applies in relation to P and has not withdrawn that confirmation.

21. P is a relevant person if—

- (a) P needs to visit a person (D) whom P reasonably believes is dying, or where D is severely ill,
- (b) P is a member of D's household or a close family member or friend of D,
- (c) it would not be reasonably practicable for P to visit D if P were required to isolate in designated accommodation, and
- (d) the Department has confirmed in writing that this paragraph applies in relation to P and has not withdrawn that confirmation.

## SCHEDULE 8

Regulations 17 and 18

### Prohibition on arrival of aircraft and vessels

1. The countries and territories referred to in regulation 17(1) (prohibition on arrival of aircraft into Northern Ireland) are

Argentina

Brazil

Cape Verde

Chile

Ethiopia

Oman

Qatar

South Africa

United Arab Emirates

2. The countries and territories referred to in regulation 18(1) (prohibition on arrival of vessels into Northern Ireland) are

No countries or territories are specified in this paragraph.

## SCHEDULE 9

Regulation 38

### Revocations

## PART 1

### Regulations revoked in their entirety

The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020(57)



The Health Protection (Coronavirus, International Travel) (Amendment) Regulations (Northern Ireland) 2020(**58**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 2) Regulations (Northern Ireland) 2020(**59**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 3) Regulations (Northern Ireland) 2020(**60**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 4) Regulations (Northern Ireland) 2020(**61**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 5) Regulations (Northern Ireland) 2020(**62**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 6) Regulations (Northern Ireland) 2020(**63**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 7) Regulations (Northern Ireland) 2020(**64**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 8) Regulations (Northern Ireland) 2020(**65**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 9) Regulations (Northern Ireland) 2020(**66**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 10) Regulations (Northern Ireland) 2020(**67**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 11) Regulations (Northern Ireland) 2020(**68**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 12) Regulations (Northern Ireland) 2020(**69**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 13) Regulations (Northern Ireland) 2020(**70**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 14) Regulations (Northern Ireland) 2020(**71**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 15) Regulations (Northern Ireland) 2020(**72**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 16) Regulations (Northern Ireland) 2020(**73**)

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(58) [S.R. 2020 No. 138](#)

(59) [S.R. 2020 No. 140](#)

(60) [S.R. 2020 No. 154](#)

(61) [S.R. 2020 No. 155](#)

(62) [S.R. 2020 No. 163](#)

(63) [S.R. 2020 No. 168](#)

(64) [S.R. 2020 No. 185](#)

(65) [S.R. 2020 No. 189](#)

(66) [S.R. 2020 No. 193](#)

(67) [S.R. 2020 No. 194](#)

(68) [S.R. 2020 No. 200](#)

(69) [S.R. 2020 No. 203](#)

(70) [S.R. 2020 No. 212](#)

(71) [S.R. 2020 No. 216](#)

(72) [S.R. 2020 No. 223](#)

(73) [S.R. 2020 No. 228](#)

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The Health Protection (Coronavirus, International Travel) (Amendment No. 17) Regulations (Northern Ireland) 2020(**74**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 18) Regulations (Northern Ireland) 2020(**75**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 21) Regulations (Northern Ireland) 2020(**76**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 22) Regulations (Northern Ireland) 2020(**77**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 23) Regulations (Northern Ireland) 2020(**78**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 24) Regulations (Northern Ireland) 2020(**79**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 25) Regulations (Northern Ireland) 2020(**80**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 26) Regulations (Northern Ireland) 2020(**81**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 27) Regulations (Northern Ireland) 2020(**82**)

The Health Protection (Coronavirus, International Travel) (Amendment) Regulations (Northern Ireland) 2021(**83**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 2) Regulations (Northern Ireland) 2021(**84**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 3) Regulations (Northern Ireland) 2021(**85**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 4) Regulations (Northern Ireland) 2021(**86**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 5) Regulations (Northern Ireland) 2021(**87**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 6) Regulations (Northern Ireland) 2021(**88**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 7) Regulations (Northern Ireland) 2021(**89**)

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(74) [S.R. 2020 No. 234](#)

(75) [S.R. 2020 No. 241](#)

(76) [S.R. 2020 No. 254](#)

(77) [S.R. 2020 No. 275](#)

(78) [S.R. 2020 No. 278](#)

(79) [S.R. 2020 No. 289](#)

(80) [S.R. 2020 No. 326](#)

(81) [S.R. 2020 No. 344](#)

(82) [S.R. 2020 No. 355](#)

(83) [S.R. 2021 No. 4](#)

(84) [S.R. 2021 No. 5](#)

(85) [S.R. 2021 No. 6](#)

(86) [S.R. 2021 No. 9](#)

(87) [S.R. 2021 No. 13](#)

(88) [S.R. 2021 No. 32](#)

(89) [S.R. 2021 No. 39](#)

The Health Protection (Coronavirus, International Travel) (Amendment No. 8) Regulations (Northern Ireland) 2021(**90**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 9) Regulations (Northern Ireland) 2021(**91**)

The Health Protection (Coronavirus, International Travel) (Amendment No. 10) Regulations (Northern Ireland) 2021(**92**)

## PART 2

### Regulations partially revoked

Regulation 2 of The Health Protection (Coronavirus, International Travel and Public Health Advice for Persons Travelling to Northern Ireland) (Amendment) Regulations (Northern Ireland) 2020(**93**)

Part 1 of The Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Amendment) Regulations (Northern Ireland) 2021(**94**)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations consolidate The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020 and subsequent amendments, and introduce new provisions for travellers to Northern Ireland with regards to mandatory post-arrival testing, and the requirement to enter managed isolation for arrivals from red list countries. The full requirements of these Regulations are set out below.

Part 1, and Schedules 1 to 2, set out the interpretation provisions, and red list and green list countries. A country which is neither a red list nor green list country is an amber list country. Red list arrivals are travellers who arrive in Northern Ireland from a red list country, and so on.

Part 2 of these Regulations impose requirements on individuals arriving in Northern Ireland and who have been in a country outside the common travel area (that is, the open borders area comprising the United Kingdom, the Republic of Ireland, the Isle of Man, and the Channel Islands) in order to prevent the spread of infection or contamination from coronavirus or coronavirus disease.

Regulation 4 and 5, along with Schedule 3 require those people to provide passenger information including contact details and details of their intended onward travel.

Regulations 6 and 7, along with Schedule 5, require persons travelling to Northern Ireland from outside the common travel area to possess a notification of a negative coronavirus test upon arrival in Northern Ireland.

Regulations 8 and 9, along with Schedule 6, impose requirements on travellers from outside the common travel area to obtain a testing package comprising a booking for two tests for the detection

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(90) [S.R. 2021 No. 54](#)

(91) [S.R. 2021 No. 69](#)

(92) [S.R. 2021 No. 84](#)

(93) [S.R. 2020 No. 179](#)

(94) [S.R. 2021 No. 10](#)

**Status:** This is the original version (as it was originally made).

of SARS-CoV-2. The first test is to be taken within two days of a traveller's arrival in Northern Ireland and it is to be capable of permitting genomic sequencing of any sample. The second test is to be taken after seven days of the traveller's arrival. Where the traveller arrives from a green listed country, only a day 2 test is required.

Regulations 10 to 13 require travellers from amber list countries to self-isolate (for example at their home) for 10 days following their arrival in the common travel area.

Regulations 14 and 15, and Schedule 7, require travellers from red list countries to enter into managed isolation for 10 days following their arrival. Managed isolation will be at a place designated by the Department of Health. Travellers must be in possession of a managed isolation package before they arrive in Northern Ireland, which includes booking for the accommodation, transport to that accommodation and tests for coronavirus on day 2 and day 8 after arrival in Northern Ireland. Schedule 7 sets out some minor modifications to this obligation.

Schedule 4 sets out the persons who are exempt from the requirements in Part 2 of the Regulations.

Part 3 of the Regulations prohibits aircraft and vessels from arriving into Northern Ireland from certain red list countries.

Part 4 addresses enforcement of the requirements in Parts 2-3, setting out the offences for breaching the requirements, and the levels of fixed penalty notices that can be issued by authorised persons.

Part 5 addresses information sharing requirements to ensure the effective operation of the Regulations and the requirements they impose.

Parts 6 and 7 revoke the previous Regulations and provide that these Regulations will automatically expire in March 2022. The Regulations must also be regularly reviewed to ensure they are still needed.

An Equality Impact Assessment screening exercise has been carried out for these regulations, which determined that a full Equality Impact Assessment was not required. A separate Human Rights Impact Assessment is in progress.