**EXPLANATORY MEMORANDUM TO**

**The Health Protection (Coronavirus, International Travel) (2021 Consolidation) (Amendment No. 12) Regulations (Northern Ireland) 2021**

**S.R. 2021 No. 340**

## 1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under sections 25B and 25F of the Public Health Act (Northern Ireland) 1967 ("the 1967 Act") and is subject to the negative resolution procedure.

## 2. Purpose

2.1. The Statutory Rule amends Schedule 1 to the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021 ("the principal Regulations") to update the list countries so that there are no countries listed for the purpose of that Schedule. Schedule 1 is referred to colloquially and in guidance as the "Red List". This Statutory Rule consequentially amends Schedule 8 to remove the aircraft ban in relation to the countries and territories removed from Schedule 1.

2.2. The Stautory Rule came into operation at 4.00am on 15 December 2021.

## 3. Background

3.1. The temporary modifications to the 1967 Act made by the Coronavirus Act 2020 provide regulation making powers that were previously not available in Northern Ireland.

3.2. The Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021 ("the principal Regulations") and the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021 ("the Operator Liability Regulations") came into operation on 16 April 2021 to deliver a package of enhanced border measures in response to the risk of importation of harmful variants of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) into Northern Ireland. The principal Regulations were updated on 4 October 2021 to introduce a new framework of health measures at the border on the basis of arrivals from red and non-red listed countries.

3.3. As part of the ongoing review of the restrictions within the principal Regulations, decisions are made in relation to the classification of a country in terms of red list or non-red list status as appropriate. The purpose of this is to ensure that the regulations and restrictions imposed are proportionate, necessary, and justifiable in the interest of public health.

3.4. Following the detection of the new COVID-19 variant "Omicron" in South Africa, in the days prior to this amendment being laid, the number of

Omicron cases in the UK has continued to rise. The travel Red List is therefore less effective in slowing the incursion of the variant from abroad and the temporary Red List measures are no longer considered proportionate. The Red List has successfully served its purpose in delaying the spread of Omicron into the UK to buy time for government and scientists to learn more about this variant and prepare for its potential impact.

3.5. This rule amends the Regulations to update the Red List of countries and territories to remove all the countries currently included, they are Angola, Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Nigeria, South Africa, Zambia and Zimbabwe.

3.6. Arising out of the removal of all countries from the Red List is the need for a further change to remove Angola, Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Nigeria, South Africa, Zambia and Zimbabwe from the list of countries in the Regulations from which direct passenger aircraft are prohibited from landing in Northern Ireland.

## 4. Consultation

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

## 5. Equality Impact

5.1. An Equality Impact Assessment screening was not conducted for this amendment. However for the principal regulations the EQIA screening identified no disproportionate impact. Given these measures would reduce the transmission of coronavirus, there were positive benefits noted for those groups that are known to be, or suspected to be, more susceptible to the adverse effects of the virus, including older people, those with a disability and those in ethnic minority groups.

## 6. Regulatory Impact

6.1. Given the rapidly evolving global situation regarding the spread of coronavirus there has been no assessment of regulatory impacts in relation to this Statutory Rule.

## 7. Financial Implications

7.1. Given the rapidly evolving global situation regarding the spread of coronavirus there has been no assessment of the financial impacts in relation to this Statutory Rule.

## 8. Section 24 of the Northern Ireland Act 1998

8.1. The Department of Health has considered section 24 of the Northern Ireland Act 1998 and is satisfied that these Regulations are not incompatible with any of the Convention rights; are not incompatible with Community law; do not discriminate against a person or class of person on the grounds of religious belief or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## 9. EU Implications

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

## 10. Parity or Replicatory Measure

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

## 11. Additional Information

11.1. Not applicable.