EXPLANATORY MEMORANDUM TO

The Health Protection (Coronavirus, International Travel) (2021 Consolidation) (Amendment No. 13) Regulations (Northern Ireland) 2021

S.R. 2021 No. 343

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 7 to the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021 ("the principal Regulations") to permit those red list passengers who were isolating in accordance with Schedule 7 (Managed isolation) immediately before 4.00 a.m. on 15 December 2021 to leave their quarantine location before the end of the ten day quarantine period and complete their period of self-isolation at a place other than the place specified in their managed isolation package.

2.2. The Stautory Rule came into operation at 11.00am on 16 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. This included setting out the requirement for persons returning from areas where this risk is especially elevated (red list countries or territories) to book a managed quarantine hotel package. The principal Regulations were amended on 15 December 2021 to amend Schedule 1 (Red list countries) so that there are no countries listed for the purposes of that Schedule.

3.3. This Rule allows those people who were isolating in accordance with managed quarantine procedures immediately before 4.00am on 15th December 2021 to complete their period of self-isolation elsewhere. This amendment changes the position for people who are required to quarantine having arrived in Northern Ireland before the coming into operation of

Regulations that removed the remaining 11 countries from the red list at 4am on 15 December. The initial addition of these countries to the red list was successful as a temporary measure to delay the ingress of the new variant Omicron to the UK to allow time for the Government and scientists to learn more about the properties of this variant and prepare for its potential impact ahead of the critical winter period. However, in the new context where increased transmission of Omicron from the rest of the world and heightened domestic prevalence outstrip the transmission risk of arrivals from these 11 countries, it was deemed disproportionate to retain these countries on the red list. In line with this rationale and the proportionately reduced risk, it is also deemed disproportionate, in these very specific circumstances, to continue to require individuals already in Managed Quarantine Services, who had not tested positive for Covid-19 , to remain there. Therefore, this amendment updates the Regulations to ensure that the restrictions imposed on these individuals are proportionate, necessary, and justifiable in line with public health considerations. Individuals who have tested positive for Covid-19 will be required to remain in MQS to complete their quarantine period to minimise transmission risk into the community.

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.