EXPLANATORY MEMORANDUM TO

The Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) (No. 2) (Amendment) Regulations (Northern Ireland) 2020

S.R. 2020 No. 325

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department of Health and is laid before the Northern Ireland Assembly to accompany the Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) (No. 2) (Amendment) Regulations (Northern Ireland) 2020.

1.2 The Statutory Rule is made under sections 25B(1)(a) and (2)(e) and (g), and 25F(2) of the Public Health Act (Northern Ireland) 1967 ("the 1967 Act") and is subject to negative resolution.

2. Purpose of the Regulations

2.1 The Statutory Rule amends the Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) (No. 2) Regulations (Northern Ireland) 2020.

2.2 The self-isolation period is amended from 14 days to 10 days.

2.3 A reasonable defence clause for operators is added.

2.4 The Statutory Rule came into operation on 14 December 2020.

3. Matters of special interest to the Northern Ireland Assembly

3.1 The Regulations provide that the Department of Health must review the need for the measures imposed by them at least once every 28 days.

3.2 The Regulations cease to have effect at the end of the period of one year beginning on the day on which they came into operation, i.e. the 31 October 2021.

4. Legislative Context

4.1 The 1967 Act and regulations made under it provide a legislative framework for health protection in Northern Ireland.

4.2 Part 1A of the 1967 Act, as inserted by the Coronavirus Act 2020 ("the 2020 Act"), provides a legal basis to protect the public from threats arising from infectious disease or contamination with coronavirus, and includes powers to impose restrictions or requirements on people, and in relation to things and premises, for use in rare circumstances where voluntary cooperation cannot be obtained. Overall, Part 1A of the 1967 Act sets out a framework for health protection which requires much of the detailed provisions to be delivered through regulations.

4.3 Section 25C of the 1967 Act provides a power for the Department of Health to make regulations to prevent, protect against, control or provide a public health response to the incidence or spread of infection or contamination with coronavirus in Northern Ireland. The threat can come from outside Northern Ireland.

4.4 These Regulations are made under section 25B to enable a number of public health measures to be taken for the purpose of preventing danger to public health from arrivals into Northern Ireland. They will also be made under 25F(2) which allows for enforcement provisions to be included.

5. Policy background

5.1 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.

5.2 The Regulations require the operators of vessels and aircraft bringing passengers into Northern Ireland from outside the common travel area to provide passengers with information on four occasions. The information is required to be provided:

- at the time of booking to travel;
- at the time of check in;
- 24-48 hours before the scheduled departure time of services to the UK; and
- while the passenger is on board the vessel or aircraft.

5.3 The information currently required includes public health information and information on the requirement to complete a passenger locator form and to self-isolate for 14 days on arrival. These Regulations reduce the period of self - isolation from 14 days to 10 days upon arrival.

6. Consultation

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

6.2 The UK Government has undertaken consultation with operators on behalf of all UK regions which are introducing similar legislative provisions.

7. Equality impact

7.1 An impact assessment has not been completed prior to making these Regulations due to their urgent nature. However a screening exercise will be conducted before the regulations come into operation.

8. Regulatory impact

8.1 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. It is likely that operators will incur some familiarisation costs and costs as a result of amendments to systems and processes. However, as operators already have systems in pace to provide information to passengers at three stages, the additional stage imposed by these regulations is expected to have minimal impact

9. Financial implications

9.1 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.

10. Section 24 of the Northern Ireland Act 1998

10.1 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.

11. EU implications

11.1 There are unlikely to be any EU implications.

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

12. Parity or Replicatory Measure

12.1 England, Scotland and Wales are expected to make broadly similar regulations coming into force at the same time.

13. Additional information

13.1 Not applicable