



Northern Ireland
Assembly

Committee for Health

OFFICIAL REPORT (Hansard)

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

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when travelling from those countries. That amendment also removed some sporting competitions from the list in schedule 4, which allows the exemption from self-isolation for competitions.

The second amendment, SR 2021 No. 5, removed the UAE from the travel corridors and required passengers transiting through or arriving from there to self-isolate for 10 days.

The third regulation, SR 2021 No. 6, removed Aruba, the Azores and the other Caribbean and South American countries from the travel corridors list. It also added many South American countries to schedule 5, which are the countries that are subject to the additional measures. The reason for that was the information that was received about the new Brazilian variant at the time and the need to reduce the risk of it entering the UK. We also updated the sporting competitions that are in schedule 4.

I would like to pause a little and focus on the reason for the change on the variants. That was the second major variant from overseas, and it sparked a holistic consideration of the travel policy more broadly. The next set of amendments was in response to that increased threat from new variants. It was introduced in order to allow time to consider the future approach to travel. When the regulations were first introduced back in June last year, it was with the aim of mitigating the risk of imported cases generally, noting that they have most impact when Northern Ireland cases are low. When cases are high, the number of imported cases is a smaller proportion of the overall number, so there is less impact from travel.

However, in the context of variants, the situation is slightly different. When new variants emerge we do not always know as much as we would like to about them and their impacts. The aim really becomes to prevent any of those cases entering Northern Ireland rather than simply to minimise numbers. The suspension of the travel corridors was to give time for a review of the policy and regulations in that context, to determine what the aim of the policy should be, whether it was appropriate in the current situation and to ensure that the measures were sufficiently robust and proportionate and able to meet that new challenge. The review is ongoing and includes a full review of all sectoral exemptions that are in place at the moment. All regions of the UK are reviewing their sectoral exemptions in a localised context, which is probably more localised than we have had it before.

The amendment in question is SR 2021 No. 9. The travel corridors for all countries were suspended from 18 January until at least 15 February. The amendment removed a number of sectoral exemptions completely, and those are advertising; high-end TV and TV production generally; journalism; and the amendment associated with the National Lottery competition. That was and is a temporary measure while we review the international travel regulations in the context of the emerging threat.

The next significant policy change, which quickly followed that one, was the introduction of the requirement to have negative test prior to arrival in Northern Ireland from outside the common travel area. That was introduced by SR 2021 No.10. It required a test to have been taken with 72 hours of departure and the negative result received. The penalty for failing to have the negative test result started at £500, and, depending on subsequent offences, it increased up to £4,000 for passengers. Some exemptions and reasonable excuses apply, and there is a very small number of sectoral exemptions.

The test must have a sensitivity of at least 80% and a specificity of at least 97%. The regulations require operators to check that the test has been completed prior to boarding, and they may refuse boarding to passengers who do not have the test result. If operators fail to comply with that requirement, they have committed an offence and may be prosecuted and fined up to £10,000 in line with the Northern Ireland level of operator fines generally.

That amendment also introduced from 1 February a requirement for operators to check for completion of the passenger locator form (PLF), and it introduced offences and penalties in line with the above. Enforcement for passenger arrivals will be carried out by Border Force. For operator offences, enforcement will be carried out by the Maritime and Coastguard Agency and the Civil Aviation Authority.

The final regulation that we are discussing is amendment No 5, SR 2021 No. 13. That prohibits the arrival into Northern Ireland of certain aircraft and vessels from the countries that are subject to those additional measures. At the moment, that applies to South American and southern African countries and to Portugal. It also added the Democratic Republic of Congo and Tanzania to schedule 5, with additional measures for those countries.

I hope that that has been a helpful summary of the changes in the six sets of regulations, and I appreciate that there is a lot to digest. I am happy to elaborate if necessary or to address specific queries that the Committee may have.

The Chairperson (Mr Gildernew): OK. Thank you, Elaine. The first question that I have relates to the new variants. It has been six weeks since the period just before Christmas when it was decided not to restrict, monitor or look at travel in the context of the Kent variant. I was shocked to hear the Chief Medical Officer say in recent days that he estimates that that variant now accounts for two thirds of our cases here. Given the increased transmissibility and that we are still in the winter period, that very clearly outlines the need to move very quickly on the new strains, such as the South African variant, which we know is out there, as they could emerge at any time.

In thinking about urgency, how quickly are the strains being identified? Would it not make sense to have passenger locator forms in place so that, in the event that a strain emerges, you already have a system in place rather than trying to devise a system of passenger locator forms or mandatory hotel quarantine and other measures? You could be too late, given how quickly we have seen the Kent variant become established throughout the North.

Ms Colgan: We needed to suspend the travel corridors primarily in order to give us space and to look at a way that we could be more responsive in meeting the issue as it arises more quickly. Prior to the suspension, travel corridors were assessed weekly. That included any emerging variants that may have been identified. However, it is recognised that, for emerging variants, that is not necessarily rapid enough. As part of the review, we are looking at how quickly we need to be able to react when a variant has been identified and at the surveillance that we need to put in place in order to identify variants.

It is a difficult one in that, because many of the variants are outside the UK, we are subject to how quickly other international Governments sequence their cases and how capable they are of identifying variants in their population. However, certainly from our side of things, we recognise that that needs a very quick process that can be engaged rapidly and that amendments can be made within probably 24 hours once variants have been identified.

The Chairperson (Mr Gildernew): Thank you. First, I will move to members. I will go to our Deputy Chair, Pam Cameron, and I have an indication from Paula.

Mrs Cameron: Thank you for your attendance at Committee, Elaine. How many fines have been issued to those entering NI without a negative test result to date?

Ms Colgan: I do not have those figures. We have not received any reports as yet on the fines issued by Border Force. I will get statistics in the next couple of weeks, and we can update the Committee.

Mrs Cameron: Thank you.

The Chairperson (Mr Gildernew): Ok. Thank you.

Mrs Cameron: Sorry, Chair. I am not finished yet.

The Chairperson (Mr Gildernew): Go ahead, Pam.

Mrs Cameron: Is there a specific test that people need to use or purchase for the negative test that has to be provided? For instance, is the NHS test sufficient if it is given within the correct time frame? If it is, is the email or text result enough or is an actual certificate needed?

Ms Colgan: We do not list specific tests, but we list the performance standards that the test has to meet, and that is 97% specificity and 80% sensitivity. That can include tests such as the normal polymerase chain reaction test and the loop-mediated isothermal amplification (LAMP) test.

The technical standards of the NHS test are sufficient. However, the other issue to bear in mind is that those tests must be paid for by the traveller. NHS testing capacity should not be used for international-travel tests. Therefore, while it meets the standards for the tests, passengers should not use an NHS test result or obtain it solely for international travel. I understand that there might be a process in

England to pay for a private NHS test. However, it is important to make sure that people are aware that travel is not a valid reason for a free NHS test. A travel test should be funded by the traveller.

Mrs Cameron: Is there no facility to purchase an NHS test in Northern Ireland?

Ms Colgan: At this point, I do not believe that there is, but I can follow up to make sure. I understand that the facility to purchase an NHS test is available only in England.

Mrs Cameron: It would be worth checking. I know someone who was challenged and needed a very expensive version of the test. It will be good to have clarity on the test. What is the effectiveness of the testing for hauliers travelling to the continent and air travellers from local airports?

Ms Colgan: We have a weekly meeting with local Border Force staff and the PSNI and have had no feedback about issues with testing. Tests for the hauliers in the south of France are largely managed by England. It was considered that not many hauliers from Northern Ireland would want that test because of the distance and the risk of a positive test. Testing for hauliers is managed in England, and they get the tests over there.

Mrs Cameron: OK. That makes sense. Finally, do you know what routes are more susceptible to breaches? If you do know that, how is enforcement being enhanced?

Ms Colgan: About a third of the fixed-penalty notices issued in Northern Ireland has been for travellers returning from Spain, and that is from last summer. Over recent weeks, no fixed-penalty notices have been issued, and that reflects the fact that international travel is not happening in Northern Ireland. I am not sure whether there are any direct international flights at the moment. If there are, they are minimal. I do not see that as a failure of enforcement; it simply reflects the fact that people are not travelling. Follow-up checks are still happening.

Mrs Cameron: OK. Thank you, Chair.

Ms Flynn: Elaine, thank you for the presentation. Last week or the week before, you updated the Committee on the passenger locator forms and the issues that you were having with people travelling from Britain into the North. We discussed the fact that the Department may consider amending the form to enable people to make contact with the PHA or a local authority. There was no safety check on the form for people coming from the North.

Ms Colgan: We have been pursuing that. Indeed, I had a call with the Department for Transport this morning, so we are progressing it. We are looking at whether the PLF could be amended so that passengers can indicate if they are travelling onwards or if they are landing in Northern Ireland. It would just require ticking a box; there would be no personal or identifiable information. We are exploring whether, if that were done through the PLF, it could be passed to those making the sample checks so that they could run reports and determine, with more clarity, how many sample checks are coming to Northern Ireland. We would then at least have a better handle on what is going on with existing enforcement, and that would enable us to see whether anything else is needed.

Ms Flynn: Elaine, thanks. That is good to know. Do you have any figures on how many people have defaulted on fixed-penalty notice fines to date? My final question is: has the South requested passenger locator form information from the North?

Ms Colgan: I do not have the number of defaults on fixed-penalty notices to hand, although I can check with the PSNI. I know that some had not been paid prior to the amendment that we made in December, so, for any fixed-penalty notice issued after the amendment in mid-December, there is an ability to take the issue further if the fine is not paid. I would need to go to the PSNI to get a final number on fines outstanding prior to the amendment. One of the reasons that we made the amendment was that we recognised that this was an issue.

You asked whether the South has requested passenger locator form information from us. Officials there have informally asked whether it would be possible, but they have not come back with a formal request as yet. We indicated to them that, if they wish to have access to the data, it would not actually come from the Department of Health and that they would need to get a memorandum of understanding directly with the Home Office, as it collects the information. There has been nothing

further since that advice was provided, but, if we get a formal request, we will have to engage with the Home Office.

Ms Flynn: Thank you, Elaine.

Ms Bradshaw: Thank you very much for coming before the Committee again. Is there any update on the proposal for people having to self-isolate in hotels? We have been looking at amendments to the travel regulations on and off for many months; it is almost like the hokey-cokey— we put one in and take one out. Is there any discussion of wider bans for regions as opposed to individual countries? As I say, it is almost like moving the chairs around, and then a new variant comes along. It feels as though we are always playing catch-up.

Ms Colgan: First, England has made the firm policy decision that it will introduce a managed isolation for hotels, although we have no firm timescale for it. Our understanding is that it will apply only to those countries with additional measures, such as South Africa and the South American countries, where there is a risk of a variant arriving into the UK. We are watching that closely, and the Executive Office is leading on that. The Executive will then determine whether they want to do something similar here. It is quite helpful that the countries in question have no direct arrivals in Northern Ireland at the moment anyway. They all have to transit through London, in which case we imagine that they will be picked up there, but we need to work through the issue of transiting passengers further.

I do feel your pain with the hokey-cokey; we feel the same. The regional approach is a useful one. The hokey-cokey approach creates difficulties, but we want to be fair to those countries and maintain diplomatic relations as well. We do not want to penalise a country that is, perhaps, beside a bad country but which is itself managing OK. That is more why we take a country-by-country approach. That also takes into account the variations in testing that might happen between countries, which could [*Inaudible.*] It certainly is one to keep in mind because we are looking at absolutely everything, and it is certainly one that we can consider.

Ms Bradshaw: Thank you, Elaine.

The Chairperson (Mr Gildernew): No other members wish to ask a question. Thank you, Elaine, as ever, for providing updates and responses. We will continue with our consideration.

Ms Colgan: Thank you.

The Chairperson (Mr Gildernew): OK. Do members wish to make any further comments? No.

This SR provides for additional measures to be put in place in relation to certain countries. Have members any further issues that they wish to raise in connection with this statutory rule? No. Therefore, I ask members to agree formally that the Committee for Health has considered SR 2021/4, The Health Protection (Coronavirus, International Travel) (Amendment) Regulations (NI) 2021, and has no objection to the rule. Are we agreed?

Members indicated assent.