



Northern Ireland
Assembly

Committee for Health

OFFICIAL REPORT (Hansard)

Health Protection (International Travel) Regulations:
Department of Health

16 September 2021

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Colm Gildernew (Chairperson)
Mrs Pam Cameron (Deputy Chairperson)
Ms Paula Bradshaw
Mr Jonathan Buckley
Mr Gerry Carroll
Mr Alan Chambers
Ms Órlaithí Flynn
Ms Cara Hunter
Ms Carál Ní Chuilín

Witnesses:

Mrs Carol Picton-Lynas	Department of Health
Ms Debra Sharpe	Department of Health

The Chairperson (Mr Gildernew): I welcome by video link Carol Picton-Lynas, who is head of health protection branch 3.

Carol, can you hear us?

Mrs Carol Picton-Lynas (Department of Health): Hello, Chair. Yes. Can you hear me?

The Chairperson (Mr Gildernew): Yes. We hear you fine, Carol. Thank you. We also have Debra Sharpe, who is deputy head of health protection branch 3. Can you hear us, Debra?

Ms Debra Sharpe (Department of Health): Yes, I can, Chair. Can you hear me?

The Chairperson (Mr Gildernew): Yes, I hear you fine, Debra. Thank you. Carol, will it be you or Debra providing the briefing? After the briefing, we will have members' questions.

Mrs Picton-Lynas: It will be me, Chair. Thank you for the invitation to attend today's meeting. The Committee is considering seven statutory rules (SRs) that have been made under the negative resolution procedure. These statutory rules generally underpin Executive decisions on international travel at their meetings in July and August this year.

The Committee is considering SR 2021/189, SR 2021/213, SR 2021/214, SR 2021/225 and SR 2021/230, which are the first, second, third, fourth and fifth amendments that were made to two sets of travel regulations, namely the Health Protection (Coronavirus, International Travel) Regulations

(Northern Ireland) 2021 and the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021. SR 2021/218 and SR 2021/241 make amendments solely to the principal regulations, namely the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021. This suite of regulations underpins the Executive's agreement to align with the UK Government and the other devolved Administrations in relation to the relaxation of border measures for international travel and the three-weekly cyclical review of the red, amber and green traffic-light system for countries. The regulations make technical amendments and introduce exemptions for certain groups of persons who are travelling from amber-list countries from having to undertake post-arrival testing and self-isolation. If the Committee is content, I will briefly summarise each set of regulations in the order in which they were made.

The first set of regulations come under SR 2021/189, the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment) Regulations (Northern Ireland) 2021, which came into force on 30 June 2021. These regulations made changes to the Health Protection (International Travel, Operator Liability and Information to Passengers) Regulations and to the principal regulations, namely the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021. These regulations were made to remove an operator's liability from bringing a passenger who has not completed a passenger locator form (PLF) or is not in possession of negative pre-departure test result to Northern Ireland, if that passenger is being lawfully compelled to travel to the UK in the course of an extradition, prisoner transfer or deportation. The regulations revise the on-board public health announcement on commercial passenger conveyances that arrive in Northern Ireland to the effect that passengers are made aware that they must still take a day two PCR test even if they have been fully vaccinated.

The regulations add a number of countries to the red list, namely Dominican Republic, Eritrea, Haiti, Mongolia, Tunisia and Uganda, owing to an increase in the risk of variants of concern (VOCs). A number of countries were also added to the green list, owing to a decrease in the risk of VOCs, namely Anguilla, Antarctica, the British Antarctic Territory, Antigua and Barbuda, the Balearic Islands, Barbados, Bermuda, the British Indian Ocean Territory, the British Virgin Islands, the Cayman Islands, Dominica, Grenada, Madeira, Malta, Montserrat, the Pitcairn Islands and the Turks and Caicos Islands. The regulations include a new exemption for passengers who are transiting to Guernsey, Jersey or the Isle of Man via Northern Ireland from the requirement to possess a day two and day eight testing package on arrival, as those Crown dependencies manage their own testing regimes. The regulations remove the residency exemption for specialist aerospace engineers or workers so that they are exempt from self-isolation while undertaking the exempt activity. The regulations also remove the direct flight aircraft ban for flights from Argentina, Brazil, Cape Verde, Chile, Ethiopia, the Maldives, Oman, Qatar, South Africa and the United Arab Emirates, as no direct flights from those countries come into Northern Ireland.

SR 2021/213, the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 2) Regulations (Northern Ireland) 2021, came into force on 19 July 2021 and made changes to Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021 and the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021. These regulations were made to amend the international travel regulations so that a fully UK-vaccinated, amber-list arrival does not need to self-isolate or take a day eight test, which brings the requirements into line with green-list country arrivals. The regs added Cuba, Indonesia, Myanmar and Sierra Leone to the NI red list, owing to an increase in variants of concern.

The regs added Bulgaria, Croatia, Hong Kong and Taiwan to the Northern Ireland green list owing to a decrease in risk in variants of concern and removed the Balearic islands and the British Virgin Islands from the green list. They introduced a new exemption category for fully vaccinated arrivals from amber-list countries. Those travellers are exempt from the requirement to self-isolate and take the day eight, post-travel PCR test. Travellers must have proof of their exemption status and make the appropriate declaration on their passenger locator form. The regs impose obligations on travel operators to check the evidence held by travellers who claim fully vaccinated exempt status. They must have systems and processes in place. The regs provide for the offences that are applicable in cases of breaches of those obligations. These regs make a consequential amendment to the schedule to the passenger information regulations, as a result of implementing the policy for fully vaccinated amber-list country arrivals.

The next set of regulations, SR 2021/214, the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 3) Regulations (Northern Ireland) 2021, came into operation on 19 July 2021. These regulations made changes to the Health Protection

(Coronavirus, International Travel) Regulations (Northern Ireland) 2021 and the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021. Those regulations were made to exclude arrivals who had been in France in the 10 days prior to arriving in Northern Ireland from claiming fully vaccinated travel status as a result of data that showed an elevated risk of imported variants of concern from France. In effect, that created an amber-plus country category. It also introduced a consequential provision, whereby the requirement for an operator to check that a passenger who claims the fully vaccinated status could provide evidence and that it did not apply in the case of an operator of a relevant service that commenced in France.

The next set of regulations, SR 2021/218, the Health Protection (Coronavirus, International Travel) (Amendment No. 5) Regulations (Northern Ireland) 2021, came into operation on 26 July 2021 and made changes to the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021. In effect, these regulations introduced a new exemption category for seasonal agricultural workers, who can claim an exemption from post-arrival testing and self-isolation whilst undertaking the exempt activity if they have travelled from an amber-list country. That exemption was included in the Northern Ireland regulations in 2020 but was no longer required. However, it was reintroduced at the request of DAERA, due to the demand for such workers in Northern Ireland. That also aligned us with the UK Government.

The next set of regulations, SR 2021/225, the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 4) Regulations (Northern Ireland) 2021, came into operation on 2 August 2021. These regulations made changes to the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021 and the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021. These regulations were made to introduce a revised definition of self-isolation to describe the various contexts of self-isolation at home following travel from an amber-list country, managed isolation in a hotel following travel from a red-list country or self-isolation for workforce testing. It created a new category of amber-plus-list countries, which were determined following the assessment of data of variants of concern by the Joint Biosecurity Centre. If a fully vaccinated traveller arrives from an amber-plus-list country, they are not treated as if they had arrived from a green-list country.

The regulations extended the fully vaccinated traveller policy, so that travellers who are fully vaccinated in the EU or USA and arrive in Northern Ireland from an amber-list country are treated as if they had arrived from a green-list country. These regulations established a workforce-testing regime for certain categories of arrivals to Northern Ireland. Those arrivals must now undertake lateral flow device workforce tests after arrival, as opposed to booking PCR post-arrival test kits, which would duplicate testing that would likely have already been carried out in various industries. That aligns with the testing regime introduced in England earlier this year. The regulations also amend the exemption for specialist aerospace engineers or workers so that they are exempt from the requirement to book and undertake post-arrival testing. Finally, these regulations require travel operators to ensure that a passenger provides evidence of relevant vaccination, as described in schedule 2B to the principal regulations, where they have declared the fully vaccinated exemption.

The next set of regulations, SR 2021/230, the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 5) Regulations (Northern Ireland) 2021, came into operation on 8 August. These regulations made changes to the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021 and the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021. These regs were made to add Georgia, La Réunion, Mayotte and Mexico to the NI red list, owing to an increase in the risk of variants of concern; to remove Bahrain, India, Qatar and the United Arab Emirates from the Northern Ireland red list, owing to a decrease in the risk rating of those countries; to add Austria, Germany, Latvia, Norway, Romania, Slovakia and Slovenia to the green list, owing to a decrease in the risk of variants of concern; and to remove France from the amber-plus list, thus leaving no countries on that list.

The regulations provided an exemption for UEFA guests and Villarreal fans travelling in a managed bubble using chartered and private transport from self-isolation and post-arrival testing, thus allowing them to attend the UEFA Super Cup match that was held in Belfast on 11 August. They allowed students travelling to Northern Ireland from a red-list country to attend a university course to complete managed isolation in university accommodation rather than in the managed isolation hotel. The regulations require operators to ensure that a person who declares an exemption in the passenger locator form provides evidence to support their declared exemption status. They also provide a

defence for operators where they are alleged to have failed to ensure that a passenger possesses evidence of eligibility for an exemption on the passenger locator form, if they can show that the passenger presented a document purporting to be appropriate evidence that the operator could not reasonably have been expected to know was not appropriate evidence.

The final set of regulations, SR 2021/241, the Health Protection (Coronavirus, International Travel) (2021 Consolidation) (Amendment No. 6) Regulations (Northern Ireland) 2021, came into operation on 30 August 2021. These regulations made changes to the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021. In effect, they were made to make amendments to regulation 10 of the principal regulations to clarify that the requirement to self-isolate does not apply to a fully vaccinated amber-list arrival. A fully vaccinated person is a person fully vaccinated under the UK vaccination roll-out programme or fully vaccinated in the USA or the EU.

These regulations added Montenegro and Thailand to the NI red list, owing to an increase in the risk of variants of concern. They added the Azores, Canada, Denmark, Finland, Liechtenstein, Lithuania and Switzerland to the green list, owing to a decrease in the risk of variants of concern. We tidied up the principal regulations by removing the exemptions for the UEFA Super Cup invitees and UEFA Super Cup Villarreal attendees, which had expired. We also amended the definitions of "approved private test" and "approved private provider" to substitute the reference to the "Department of Health" for "the Secretary of State for Health and Social Care". Finally, these regulations amended paragraph 4(3) of schedule 6 to the principal regulations to correct a drafting error.

I trust that that has been helpful to members. Debra and I are happy to take any questions that members may have in relation to the regulations. Thank you.

The Chairperson (Mr Gildernew): Thank you, Carol. During the week, there have been reports on levels of compliance and non-compliance with travel regulations. What is your assessment of the situation locally? How many cases or what percentage of cases are believed to not be complying with the travel regulations?

Mrs Picton-Lynas: OK. We collect from the police and the Border Force data on non-compliance with the requirements to arrive in Northern Ireland having completed a passenger locator form and undertaken pre-departure testing. The number of fixed penalty notices issued in recent weeks has been very low, suggesting over 90% compliance.

In relation to unvaccinated passengers from amber-list countries who arrive in Northern Ireland, we have a contract with Public Health England (PHE) for a calls service. It contacts arrivals on day two after arriving in Northern Ireland, and, if the call handlers are unable to make contact with those people to check that they are self-isolating, there is a referral to the police, who will go to check that those people are isolating. We have quite good enforcement and monitoring measures in place.

The Chairperson (Mr Gildernew): Thank you. I will bring in Pam.

Mrs Cameron: Thank you, Chair, for letting me in, because my question is relevant to your question and the answer to it. How many offences have been recorded in respect of seeking to exploit measures applicable to fully vaccinated travellers? Have there been any instances of fraud?

Mrs Picton-Lynas: We collect data on the fixed penalty notices, and, so far, we have had only seven fixed penalty notices issued by Border Force for non-compliance with the requirement to purchase the post-arrival testing packages and to have completed a PLF.

Will you clarify what you mean by "fraud"? Do you mean fraud in relation to proof of vaccination status?

Mrs Cameron: Yes.

Mrs Picton-Lynas: OK. For proof of vaccination status, we have the uploading of the vaccine passport on the PLF. Operators can check that that has been done. A traveller returning to the UK has to provide the quick response (QR) code that proves their vaccination status. Those arriving from the EU have to prove their vaccination status via the equivalent EU digital COVID certificate. Those arriving from the USA have to show their Centers for Disease Control and Prevention (CDC) card, which proves their vaccination status. As they do not have a digital solution, as such, they also have to

prove the details of their residency in the USA. That is how we capture that. Therefore, there is very little scope for fraud.

Mrs Cameron: Thank you. It would be good to have specific updates on, or assessments of, how effective the isolation measures affecting international students, seasonal workers and aerospace engineers have been. By way of an example, can you tell us how the managed isolation process for international students operated in practice?

Mrs Picton-Lynas: This is a new thing that has come in to take into account the tranche of international students coming from red-list countries for this term. Arrangements have been made with Queen's University for specific rooms in its halls of residence to act as a managed quarantine facility. I assume that that will kick off shortly, because the term is starting. That is as far as my understanding goes. Managed quarantine is not my policy area, but the arrangements that have been made are that, when the students arrive in Northern Ireland, they will be expected to travel to the managed quarantine rooms in Queen's accommodation, which are separated from other students.

Mrs Cameron: Thank you.

The Chairperson (Mr Gildernew): I remind members that we need to be out of here by 1.20 pm or 1.25 pm at the latest. We may lose broadcasting at 1.20 pm, so we may need to pause for that.

Mr Carroll: Thanks for the run-through. I asked Nigel about this earlier, so apologies to Nigel. It is about the exemption from self-isolation for the Villarreal fans for the UEFA Super Cup. Has any work been done regarding the potential increase in cases from that event?

I also want to ask about the self-isolation exemption for those coming from amber-list countries. I understand that, since the regulation change, people who are double-vaccinated are no longer required to self-isolate. What is the consideration around that? What is the view on protecting people who are double-vaccinated? They can still get the virus, albeit not as severely. Has there been any work on that? Are you aware of any research or data on that and, if you are, could you point us to it? Thank you.

Mrs Picton-Lynas: On learning from the UEFA exemption, I am not privy to any of the work that is being done with regard to regulations. I think that Nigel McMahon talked about that in the previous session. At the risk of sounding like I am bouncing this back to you, I think that that is more about the contact-tracing aspect than about the regulations for which I am responsible. They did some learning in England. They may have done some research into possible transmission rates following the UEFA events in England, but, unfortunately, I am not privy to that data.

Your second question was about people who are doubly vaccinated subsequently contracting coronavirus.

Mr Carroll: Yes. If I am correct, there is an exemption from self-isolation and a requirement to take a test.

Mrs Picton-Lynas: If an individual has been fully vaccinated under the current UK vaccination roll-out programme or under a vaccine approved in the EU or the USA that is also approved in the UK, if you like, and they have proof of that, they would be exempt from self-isolation and the day eight testing. Under current rules, they would still be required to complete a passenger locator form, show proof of a negative pre-departure coronavirus test and undertake a day two PCR test.

Mr Carroll: OK, thank you.

The Chairperson (Mr Gildernew): Thank you for that, Carol and Debra. We can now go into our formal consideration of the SRs. I appreciate your attendance and your contribution to the Committee.

Mrs Picton-Lynas: Thank you so much.

Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment) Regulations (Northern Ireland) 2021

The Chairperson (Mr Gildernew): We will now formally consider each of the SRs in turn. All of the SRs are subject to the negative resolution procedure. The Examiner of Statutory Rules has not yet reported on any of the SRs.

Item 18 is SR 2021/189. Do members have any further issues to raise in relation to this? No.

If not, I ask members to agree formally that the Committee for Health has considered the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment) Regulations 2021 and, subject to the report of the Examiner of Statutory Rules, has no objection to the rule.

Question put and agreed to.

Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 2) Regulations (Northern Ireland) 2021

The Chairperson (Mr Gildernew): The next item is SR 2021/213. Do members have any further issues to raise in relation to the SR? No.

If not, I ask members to agree formally that the Committee for Health has considered the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 2) Regulations 2021 and, subject to the report of the Examiner of Statutory Rules, has no objection to the rule.

Question put and agreed to.

Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 3) Regulations (Northern Ireland) 2021

The Chairperson (Mr Gildernew): The next item is SR 2021/214. Do members have any further issues to raise in relation to the SR? No.

If not, I ask members to agree formally that the Committee for Health has considered the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 3) Regulations 2021 and, subject to the report of the Examiner of Statutory Rules, has no objection to the rule.

Question put and agreed to.

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

The Chairperson (Mr Gildernew): The next item is SR 2021/218. Do members have any further issues to raise in relation to the SR? No.

If not, I ask members to agree formally that the Committee for Health has considered the Health Protection (Coronavirus, International Travel) (Amendment No. 5) Regulations 2021 and, subject to the report of the Examiner of Statutory Rules, has no objection to the rule.

Question put and agreed to.

Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 4) Regulations (Northern Ireland) 2021

The Chairperson (Mr Gildernew): The next item is SR 2021/225. Do members have any further issues to raise in relation to the SR? No.

If not, I ask members to agree formally that the Committee for Health has considered the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 4) Regulations (NI) 2021 and, subject to the report of the Examiner of Statutory Rules, has no objection to the rule.

Question put and agreed to.

Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 5) Regulations (Northern Ireland) 2021

The Chairperson (Mr Gildernew): The next item is SR 2021/230. Do members have any further issues to raise in relation to the SR? No.

If not, I ask members to agree formally that the Committee for Health has considered the Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 5) Regulations 2021 and, subject to the report of the Examiner of Statutory Rules, has no objection to the rule.

Question put and agreed to.

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

The Chairperson (Mr Gildernew): The next item is SR 2021/241. Do members have any further issues to raise in relation to the SR? No.

If not, I ask members to agree formally that the Committee for Health has considered the Health Protection (Coronavirus, International Travel) (2021 Consolidation) (Amendment No. 6) Regulations (NI) 2021 and, subject to the report of the Examiner of Statutory Rules, has no objection to the rule.

Question put and agreed to.