

**Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021**  
(S. R. & O. No. 16 of 2021)

**Exemptions (Quarantine and Test Notification) Direction No. 1**

**Background**

The Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021 have replaced the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021.

The Chief Medical Officer has reviewed the requirements of the replaced Regulations and the Directions made under them. She has in particular reviewed the impact of Quarantine Exemptions Directions No's. 5 and 7 in the Falkland Islands in light of the changing picture of the incidence of coronavirus infection in the United Kingdom and across the world.

The Chief Medical Officer has reported the outcome of her review, and in her opinion further change is required to the exemption regime to reflect the very significant reduction in —

- (a) the risk of a person in the Falkland Islands being infected with coronavirus and, if infected, of becoming seriously ill or requiring hospital care; and
- (b) the risk of an uncontrolled community outbreak of the disease.

In the circumstances, I am satisfied that I should make a new exemption direction as follows—

- (a) an exemption providing for early release from quarantine on day 5 or 8 after arrival should continue in effect and should be extended to all arrivals in the Falkland Islands, whether by air or by sea, including for persons who are convalescent cases;
- (b) in relation to arrivals from sea, time spent at sea before arrival may be treated as equivalent to time spent in quarantine and testing may take place before arrival for the purposes of early release;
- (c) an exemption from quarantine for arrivals from the United Kingdom who have undertaken a period of quarantine in the United Kingdom should continue in effect in respect of Crown servants and military contractors;
- (d) an exemption from quarantine for persons arriving from sea on vessels which are classed as “clean” vessels should continue in effect; and
- (e) persons who are classed as convalescent cases should be granted exemption from the new requirement for air arrivals to possess notification of a negative coronavirus test result.

**Direction**

In accordance with regulations 7(6)(a) and 12(3)(a) of the Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021 I, Nigel James Phillips C.B.E., direct that —

1. This direction applies to persons arriving in the Falkland Islands on or after 8 August 2021.

**Part 1 – Air and sea passengers – Quarantine and tests after arrival for early release (partial quarantine exemption)**

2. This Part applies to passengers arriving in the Falkland Islands on any aircraft or arriving on a vessel which is not of a type described in paragraph 10.

3. A passenger is not required to comply with the quarantine requirements for the remainder of the period of quarantine that would otherwise apply to them from the date the passenger is informed by the Chief Medical Officer that they are of a description in either paragraph 5 or 6.

4. All other persons who are in quarantine with the passenger by virtue of regulation 9(2)(b) of the Regulations are likewise exempt from the quarantine requirements for the remainder of the period of quarantine.

5. (1) This paragraph applies to a passenger who —

(a) has been vaccinated;

(b) is not in quarantine with, or has not been in quarantine with, a passenger who has not been vaccinated; and

(c) meets the criteria in subparagraph (2).

(2) The criteria are —

(a) on or before the second day after the day of arrival in the Falkland Islands the passenger tests negative for coronavirus or is a convalescent case; and

(b) on the fifth day after the day of arrival in the Falkland Islands —

(i) the passenger tests negative for coronavirus or is a convalescent case; and

(ii) all other persons, not being children under the age of 6 years on the day the test referred to in subparagraph (i) is performed, who are in quarantine with, or have been in quarantine with, the passenger test negative for coronavirus on the same occasion or are a convalescent case.

6. (1) This paragraph applies to a passenger who —

(a) has not been vaccinated, or who has been vaccinated but is in quarantine with, or has been in quarantine with, a passenger who has not been vaccinated; and

(b) meets the criteria in subparagraph (2).

(2) The criteria are —

(a) on or before the second day after the day of arrival in the Falkland Islands the passenger tests negative for coronavirus or is convalescent positive; and

(b) on the eighth day after the day of arrival in the Falkland Islands —

(i) the passenger tests negative for coronavirus or is convalescent positive; and

(ii) all other persons, not being children under the age of 6 years on the day the test referred to in subparagraph (i) is performed, who are in quarantine with, or have been in quarantine with, the passenger test negative for coronavirus on the same occasion or are convalescent positive.

**Part 2 – Sea passengers – Quarantine and testing after departure from last seaport for early release**

7. A sea passenger who arrives in the Falkland Islands on a vessel which is of the description in paragraph 10 is not required to comply with the quarantine requirements for the remainder of the period of quarantine that would otherwise apply to them from the date the sea passenger is informed by the Chief Medical Officer that they are of a description in either paragraph 11 or 12.

8. All other persons who are in quarantine with the sea passenger by virtue of regulation 9(2)(b) of the Regulations are likewise exempt from the quarantine requirements for the remainder of the period of quarantine.

9. Time spent by a sea passenger at sea on a vessel which is of the description in paragraph 10 is treated as part of the period of quarantine for the purposes of the Regulations.

10. This paragraph applies to a vessel which, since departure —

(a) has not arrived at any place other than an Overseas Territory;

(b) has not reported any person as showing symptoms of coronavirus; and

(c) has only been boarded by persons from and passengers or other members of the crew have only boarded other vessels which meet the criteria in paragraphs (a) and (b).

11. (1) This paragraph applies to a sea passenger who —

(a) has been vaccinated;

(b) is not in quarantine with, or has not been in quarantine with, a passenger who has not been vaccinated; and

(c) meets the criteria in subparagraph (2).

(2) The criteria are —

(a) on or before the second day after the day of departure the sea passenger tests negative for coronavirus or is a convalescent case; and

(b) on the fifth day after the day of departure —

(i) the sea passenger tests negative for coronavirus or is a convalescent case; and

(ii) all other persons, not being children under the age of 6 years on the day the test referred to in subparagraph (i) is performed, who are in quarantine with, or have been in quarantine with, the sea passenger test negative for coronavirus on the same occasion or are a convalescent case.

12. (1) This paragraph applies to a sea passenger who —

(a) has not been vaccinated, or who has been vaccinated but is in quarantine with an air or sea passenger who has not been vaccinated; and

(b) meets the criteria in subparagraph (2).

(2) The criteria are —

(a) on or before the second day after the day of departure the sea passenger tests negative for coronavirus or is a convalescent case; and

(b) on the eighth day after departure —

(i) the sea passenger tests negative for coronavirus or is a convalescent case; and

(ii) all other persons, not being children under the age of 6 years on the day the test referred to in subparagraph (i) is performed and who are in quarantine with, or have been in quarantine with, the sea passenger test negative for coronavirus on the same occasion or are a convalescent case.

**Part 3 – Crown Servants and military contractors - Quarantine before arrival (full quarantine exemption)**

13. A person of a description specified in either paragraph 14 or 15 —

(a) is not required to comply with the quarantine requirements; and

(b) is not required to take other specified measures to reduce the risk of spreading coronavirus infection.

14. This paragraph applies to a Crown servant or military contractor who —

(a) has been vaccinated;

(b) has been in quarantine in the United Kingdom in United Kingdom Ministry of Defence facilities for a period of at least 5 days ending immediately before their arrival in the Falkland Islands;

(c) has not been in quarantine with a person who has not been vaccinated; and

(d) has met the requirements of the United Kingdom Ministry of Defence public health unit coronavirus testing regime in connection with the period of quarantine in the United Kingdom.

15. This paragraph applies to a Crown servant or military contractor who —

(a) has been in quarantine in the United Kingdom in United Kingdom Ministry of Defence facilities for a period of at least 8 days ending immediately before their arrival in the Falkland Islands; and

(b) has met the requirements of the United Kingdom Ministry of Defence public health unit coronavirus testing regime in connection with the period of quarantine in the United Kingdom.

**Part 4 – Person arriving from Overseas Territories or on a clean vessel – Quarantine before arrival (full quarantine exemption)**

16. A person of a description specified in either paragraph 17 or 18 —

(a) is not required to comply with the quarantine requirements; and

(b) is not required to take other specified measures to reduce the risk of spreading coronavirus infection.

17.(1) A person arriving from an Overseas Territory who was in that Overseas Territory for more than 10 consecutive days immediately before arriving in the Falkland Islands.

(2) When calculating time spent in an Overseas Territory account may be taken of time spent—

(a) in the Falkland Islands before travelling directly to the Overseas Territory;

(b) travelling directly between the Falkland Islands and the Overseas Territory; and

(c) travelling directly between Overseas Territories.

18. A person (“P”) disembarking from a vessel (“V”) arriving in the Falkland Islands and either —

(a) V is a clean vessel; or

(b) if P departed from the Falkland Islands —

(i) since P’s departure —

(aa) V has only been boarded by persons from a clean vessel;

(bb) passengers or members of the crew of V have only boarded another clean vessel;

(cc) no person on board V has been reported as exhibiting any symptom of coronavirus; and

(ii) P either —

(aa) was in quarantine in accordance with the Regulations immediately before embarking on V; or

(bb) immediately before embarking was not required to stay in quarantine and had not exhibited any symptom of coronavirus for at least 10 days.

**Part 5 – Air passengers – Convalescent cases – exemption from test notification requirements**

19. person who is a convalescent case is not required to comply with the requirements under regulation 7.

**Part 6 - Information**

20.(1) A person seeking to assert that they are a vaccinated person for the purposes of Part 1 or 2 must provide the Chief Medical Officer with any information that the Chief Medical Officer reasonably requires in order to establish the person’s vaccination status under this Direction.

(2) The Master of a vessel on which a person, for the purposes of the Regulations, is in quarantine or has been in quarantine must provide the Chief Medical Officer with any information that the Chief Medical Officer reasonably requires in order to establish whether persons who are or have been on board the vessel qualify for exemption from quarantine under this direction.

**Part 7 – Interpretation**

21. (1) In this Direction —

“**air passenger**” means a person who arrives in the Falkland Islands by air from outside the Falkland Islands;

“**convalescent case**” means a person who has arrived or intends to arrive in the Falkland Islands, and —

(a) who is able to provide evidence that they were infected by coronavirus not more than 90 days before the day of departure;

(b) who meets one of the following criteria —

(i) the person has had no symptoms of coronavirus and is able to evidence that they were infected by coronavirus at least 14 days before the day of departure;

(ii) the person has had no symptoms of coronavirus for a period of 4 days ending on the day of departure, and is able to provide evidence that they were infected by coronavirus at least 10 days before the day of departure; and

(c) who the Chief Medical Officer is satisfied, on the basis of a medical assessment in relation to the person, poses no, or a very small, risk of infecting others with coronavirus;

“**departure**” means the most recent departure of a person or a conveyance from an airport or seaport on a journey to the Falkland Islands;

“**passengers**” means air passengers and sea passengers;

“**Regulations**” means the Infectious Diseases Control (Coronavirus: International Travel, Operator Liability and Quarantine) Regulations 2021;

“**sea passenger**” means a person who arrives in the Falkland Islands by sea from outside the Falkland Islands;

“**the quarantine requirements**” means the requirements in Part 3 of the Regulations; and

(2) In this Direction, a reference to a person being vaccinated is a reference to a person having completed the full course of a vaccine approved for coronavirus by the Medicines and Healthcare products Regulatory Agency of the United Kingdom Government not less than 14 days before the date on which the period of quarantine commences or, before the date of departure, and a reference to a person who has not been vaccinated is interpreted accordingly.

(3) In this Direction, a reference to a person testing negative or positive (as the case may be) is a reference —

(a) in respect of a sea passenger who is in quarantine on a vessel, to the person being tested for coronavirus by an approved test administered by the ship’s doctor or by a person designated by the ship’s master and who is trained in the administration of the tests;

(b) in respect of any other person, to a person being tested for coronavirus by a test administered under the direction or supervision of a qualified medical professional in the Falkland Islands and the outcome of the test is negative, indicating that the person is not infected with coronavirus or is positive, indicating that the person is infected with coronavirus.

(4) For the purposes of paragraph 3(a), quarantine includes the period spent on a ship after departure in accordance with Part 2.

(5) In paragraph 3(a), reference to an approved test is a reference to a SARS-CoV-2 antigen rapid qualitative test, also known as an LFD or lateral flow test, of a type recognised by Public Health England.

August 2021

N. J. PHILLIPS C.B.E.,  
*Governor.*