
STATUTORY INSTRUMENTS

2021 No. 442

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, International Travel)
(England) (Amendment) (No. 11) Regulations 2021**

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| <i>Made</i> | - - - - | <i>at 11.56 a.m. on 1st April 2021</i> |
| <i>Laid before Parliament</i> | | <i>at 2.30 p.m. on 1st April 2021</i> |
| <i>Coming into force</i> | - - | <i>at 4.00 a.m. on 6th April 2021</i> |

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45B, 45C, 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984(1).

In accordance with section 45Q(3) of that Act, the Secretary of State is of the opinion that these Regulations do not contain any provision made by virtue of section 45C(3)(c) of the Act which imposes or enables the imposition of a special restriction or requirement or any other restriction or requirement which has or would have a significant effect on a person's rights.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 11) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 6th April 2021.

(3) These Regulations extend to England and Wales and apply in relation to England only.

Amendment to the Health Protection (Coronavirus, International Travel) (England) Regulations 2020

2. The Health Protection (Coronavirus, International Travel) (England) Regulations 2020(2) are amended in accordance with regulations 3 to 12.

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).
(2) S.I. 2020/568, amended by S.I. 2020/691, 724, 799, 805, 813, 819, 841, 866, 890, 913, 959, 980, 1013, 1039, 1070, 1076, 1094, 1129, 1161, 1190, 1227, 1238, 1277, 1292, 1323, 1337, 1360, 1424, 1517, 1595, 2021/18, 25, 38, 47, 49, 68, 98, 137, 150, 166, 223, 252, 348, 942, 1375 and 1644 and S.I. 2021/150.

Insertion of new regulation 3AA

3. After regulation 3A(3) insert—

“Requirements relating to tests

3AA.—(1) Except as provided in paragraph (5) and subject to the provisions relating to length of stay in regulation 3B(1)(4), regulation 3B (requirement to book and undertake tests) applies to a person who arrives in England who—

- (a) is required to self-isolate under—
 - (i) regulation 4 (requirement to self-isolate), or
 - (ii) Schedule B1A (additional measures),
- (b) is not required to self-isolate under regulation 4 only by virtue of the following paragraphs of Schedule 2 (persons not required to comply with regulation 3 or 4)—
 - (i) paragraph 1(1)(i) (representatives of foreign countries or territories on official business),
 - (ii) paragraph 1(1)(j) (representatives of government of British overseas territory),
 - (iii) paragraph 4 (foreign officials with border security duties),
 - (iv) paragraph 4A (road passenger transport workers)(5),
 - (v) paragraph 11 (civil aviation inspectors),
 - (vi) paragraph 13 (certain Crown Servants, persons certified as returning from essential state business etc.),
 - (vii) paragraph 13A (essential or emergency work outside the United Kingdom), or
 - (viii) paragraph 25 (postal operators),
- (c) falls within the description in paragraph 39 (elite sportspersons and ancillary sportspersons) of Schedule 2, or
- (d) may temporarily cease to self-isolate by virtue of paragraph (13)(d)(ii) or (13)(f) of regulation 4 and the following paragraphs of Schedule 2—
 - (i) paragraph 4 (foreign officials with border security duties),
 - (ii) paragraph 4A (road passenger transport workers),
 - (iii) paragraph 11 (civil aviation inspectors),
 - (iv) paragraph 17 (water and sewerage workers),
 - (v) paragraph 17A(6) (flood and coastal defence workers),
 - (vi) paragraph 18 (electricity workers),
 - (vii) paragraph 19 (nuclear power workers),
 - (viii) paragraph 20 (chemical weapons inspectors),
 - (ix) paragraph 21 (space workers),
 - (x) paragraph 23 (oil workers),

(3) Regulation 3A was inserted by [S.I. 2021/38](#).

(4) Regulation 3B is amended by regulation 5 of these Regulations.

(5) Paragraph 4A was inserted by [S.I. 2020/691](#).

(6) Paragraph 17A was inserted by [S.I. 2020/813](#).

- (xi) paragraph 24 (offshore oil and gas workers) unless paragraph (4) applies to the person,
- (xii) paragraph 26 (specialist technical workers),
- (xiii) paragraph 27 (specialist waste management workers),
- (xiv) paragraph 31 (medicines inspectors),
- (xv) paragraph 32 (clinical trial conductors),
- (xvi) paragraph 33 (clinical investigators),
- (xvii) paragraph 34 (medical and veterinary specialists),
- (xviii) paragraph 35 (infrastructure workers), or
- (xix) paragraph 36 (communications operation workers).

(2) In paragraph (1)(a), the reference to persons required to self-isolate under regulation 4 does not include anyone who may temporarily cease to self-isolate by virtue of regulation 4(13)(d)(ii), or (13)(f).

(3) Regulation 3C (requirement to undertake workforce tests) applies to a person who is not required to self-isolate under regulation 4 by virtue of any sub-paragraph of regulation 4(13) and the following paragraphs of Schedule 2, or who may temporarily cease to self-isolate or whose obligation to self-isolate under that regulation is otherwise modified by virtue of those provisions—

- (a) paragraph 2 (UK officials with border security duties),
- (b) paragraph 3 (officials involved in essential defence activities),
- (c) paragraph 4B(7) (seamen and masters) other than seamen and masters of fishing vessels within the meaning of the Merchant Shipping Act 1995(8),
- (d) paragraph 4C(9) (pilots),
- (e) paragraph 4D(10) (inspectors and surveyors of ships),
- (f) paragraph 4E(11) (aircraft crew and pilots),
- (g) paragraph 4F(12) (international rail crew, passenger and freight operators),
- (h) paragraph 6 (road haulage workers)(13),
- (i) paragraph 12 (Channel Tunnel system workers),
- (j) paragraph 14 (repatriated prisoners),
- (k) paragraph 15 (international prison escorts),
- (l) paragraph 22 (aerospace engineers and aerospace workers),
- (m) paragraph 29 (persons transporting human blood etc.), or
- (n) paragraph 38 (seasonal agricultural workers).

(4) Regulation 3D applies to a worker who falls within the description in paragraph 24(1)(a) of Schedule 2 who arrives in England and is required to undertake or commence activities on an offshore installation, including critical safety work on an offshore installation.

(5) Regulation 3B does not apply to a person (“P”) where P is—

(7) Paragraph 4B was inserted by [S.I. 2020/691](#).

(8) 1995 c. 21; see section 313 for the definitions of “seamen” “master” and “fishing vessel”.

(9) Paragraph 4C was inserted by [S.I. 2020/691](#).

(10) Paragraph 4D was inserted by [S.I. 2020/691](#).

(11) Paragraph 4E was inserted by [S.I. 2020/691](#).

(12) Paragraph 4F was inserted by [S.I. 2020/691](#).

(13) Paragraph 6 was amended by [S.I. 2020/691](#).

- (a) a person described in paragraph 1(1)(a) to (h) or (k) of Schedule 2 or a member of the family forming part of their household;
 - (b) a person described in paragraph 1(1)(i) or (j) (representatives of foreign countries or territories or British overseas territories) of Schedule 2 where the conditions in paragraph (6) of this regulation are met;
 - (c) a member of the family forming part of the household of a person to whom paragraph (b) applies, where—
 - (i) the conditions in paragraph (6) are met in relation to the person to whom paragraph (b) applies,
 - (ii) the Foreign, Commonwealth and Development Office has been notified of P’s arrival, and
 - (iii) the Foreign, Commonwealth and Development Office has confirmed that P is not required to comply with regulation 3B;
 - (d) a person described in paragraph 13(1)(a) or (b) (persons certified as returning from essential state business etc.) of Schedule 2 where the relevant Department has certified that P meets this description and is not required to comply with regulation 3B;
 - (e) a person described in paragraph 13A (essential or emergency work outside the United Kingdom) of Schedule 2 where the relevant Department has certified that P is not required to comply with regulation 3B.
- (6) The conditions specified in this paragraph are that, prior to P’s departure to the United Kingdom—
- (a) the relevant head of the mission, consular post, or office representing a foreign territory in the United Kingdom, or a Governor of a British overseas territory (as the case may be), or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake work in the United Kingdom which is essential to the foreign country represented by the mission or consular post, the foreign territory represented by the office or the British overseas territory, and
 - (b) the Foreign, Commonwealth and Development Office has then confirmed in writing to the person giving the confirmation referred to in paragraph (a) that—
 - (i) it has received that confirmation, and
 - (ii) P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with regulation 3B.
- (7) Where a word or expression is defined for the purposes of Schedule 2 and is used in paragraphs (5) or (6) of this regulation, the same definition applies for the purposes of those paragraphs.”.

Amendment to regulation 3B

- 4.** In regulation 3B (requirement to book and undertake tests)—
- (a) for paragraph (1) substitute—
 - “(1) This regulation applies to a person (“P”) specified in regulation 3AA(1) who—
 - (a) intends to remain in England for two days or more after the day of their arrival; or
 - (b) intended to remain in England for less than two days after the day of their arrival but in fact remains in England for two days or more.”;
 - (b) omit paragraph (1A);

- (c) after paragraph (1A) insert—
 - “(1B) Where P is a person mentioned in paragraph (1)(b)—
 - (a) the obligation under paragraph (2) to book a testing package on arrival does not apply;
 - (b) paragraph (3) applies to P as if the words “required under paragraph (2)” were omitted.”;
- (d) for paragraph (11)(c) substitute
 - “(c) “testing package” means—
 - (i) where P intends to remain in England for 8 days or more, a booking for a day 2 test and a day 8 test,
 - (ii) where P intends to leave England on or before the 7th day after P’s arrival in England, and P is a person who falls within regulation 3AA(1)(a), (b), (c) or (d) (no or modified requirement to self-isolate), a booking for a day 2 test.”.

Insertion of new regulations

5. After regulation 3B(14) insert—

“Requirement to undertake workforce tests

- 3C.**—(1) This regulation applies to a person (“P”), specified in regulation 3AA(3).
- (2) Subject to paragraph (7), P must undertake a workforce test for day 2, day 5 and day 8 in accordance with paragraph (6) in relation to each category of test.
- (3) Where P does not undertake a workforce test as required by this regulation by reason of a reasonable excuse (see regulation 6(1D)), P must, as soon as practicable after the matters giving rise to the reasonable excuse no longer pertain, undertake a replacement workforce test.
- (4) Where a replacement workforce test is undertaken instead of—
 - (a) a workforce test to be undertaken for day 2, P is to be treated as if they had undertaken a workforce test on day 2 in accordance with this regulation;
 - (b) a workforce test to be undertaken for day 5, P is to be treated as if they had undertaken a workforce test on day 5 in accordance with this regulation;
 - (c) a workforce test to be undertaken for day 8, P is to be treated as if they had undertaken a workforce test on day 8 in accordance with this regulation.
- (5) Schedule 2D makes further provision about workforce tests (including the consequences of testing).
- (6) In these Regulations—
 - (a) “a replacement workforce test” means a workforce test complying with the requirements that apply to the workforce test that was missed;
 - (b) “a workforce test” means a test which is provided or administered under the National Health Service Act 2006(15);
 - (c) “a workforce test undertaken for day 2” means a test which is undertaken no later than the end of the second day after the day on which P arrived in England;
 - (d) “a workforce test undertaken for day 5” means a workforce test which—

(14) Regulation 3B was inserted by [S.I. 2021/150](#).

(15) [2006 c. 41](#).

- (i) is undertaken after a workforce test for day 2,
 - (ii) is undertaken no earlier than the end of the second day after the day on which P arrived in England, and
 - (iii) is undertaken before the end of the fifth day after the day on which P arrived in England;
- (e) “a workforce test undertaken for day 8” means a workforce test which—
- (i) is undertaken after a workforce test undertaken for day 5,
 - (ii) is undertaken no earlier than the end of the fourth day after the day on which P arrived in England, and
 - (iii) is undertaken before the end of the eighth day after the day on which P arrived in England.
- (7) For any period during which P is a recurring work traveller, paragraph (2) does not apply and paragraph (9) applies to P instead.
- (8) P is a “recurring work traveller” where—
- (a) P is undertaking work that requires P to enter and leave England on a daily basis, or at intervals of no greater than two days, and is entering and leaving accordingly; and
 - (b) P does not fall within the description in paragraph 6 of Schedule 2 (road haulage workers).
- (9) Where this paragraph applies, P must undertake a workforce test—
- (a) on or before the end of the second day after the day P first arrives in England during the period during which P is a recurring work traveller or as soon as reasonably practicable during the time P is next in England after the end of the second day; and
 - (b) subsequently, within each successive period of three days, beginning with the day after the day on which P took the previous workforce test.

Test requirements: offshore installation workers

- 3D.**—(1) This regulation applies to a person (“P”) to whom regulation 3AA(4) applies.
- (2) P must undertake a day 2 test after arriving in England but before P departs to the offshore installation.
- (3) If P intends to depart to the offshore installation before P has received the result of the day 2 test undertaken pursuant to paragraph (2), P must also take a workforce test before P departs to the offshore installation.
- (4) If a workforce test undertaken pursuant to paragraph (3) generates a positive result P must self-isolate in accordance with regulation 2 of the Self-Isolation Regulations until P has received the result of the day 2 test undertaken pursuant to paragraph (2).
- (5) If the day 2 test undertaken pursuant to paragraph (2) generates a positive result P must self-isolate in accordance with regulation 2 of the Self-Isolation Regulations until the end of the 10th day after P undertook that test.
- (6) If the day 2 test undertaken pursuant to paragraph (2) generates a negative result, from the time that P is notified of that result, P is no longer subject to any requirement to self-isolate by virtue of paragraph (4).

(7) Subject to paragraph (8), while P is on an offshore installation, P must undertake a workforce test before the end of the third day following the day P arrives on the installation and then within each successive 3 day period within 3 days of the test most recently taken.

(8) P is not required to undertake any workforce test after the 10th day after the day P arrived in England.

(9) If a workforce test undertaken pursuant to paragraph (7) generates a positive result, P must—

- (a) undertake a day 2 test as soon as reasonably practicable; and
- (b) self-isolate in accordance with regulation 2 of the Self-Isolation Regulations until the earlier of—
 - (i) the time P is notified of the result of the day 2 test undertaken pursuant to sub-paragraph (a), or
 - (ii) the end of the 10th day after the day P arrived in England.

(10) If a day 2 test undertaken pursuant to paragraph (9)(a) generates a positive result, P must self-isolate in accordance with regulation 2 of the Self-Isolation Regulations until the 10th day after the day P undertook that test.

(11) If a day 2 test undertaken pursuant to paragraph (9)(a) generates a negative result, from the time that P is notified of that result, this regulation applies to P as if the workforce test undertaken pursuant to paragraph (7) had generated a negative result (and accordingly P is no longer subject to any requirement to self-isolate by virtue of paragraph (9)(b)).

(12) If P returns to England from the offshore installation on or before the 8th day after the day P arrived in England, P must undertake a day 8 test on, or as soon as reasonably practicable after, the 8th day after P the day arrived in England.

(13) If the day 8 test undertaken pursuant to paragraph (12) generates a positive result, P must self-isolate in accordance with regulation 2 of the Self-Isolation Regulations until the end of the 10th day after P undertook that test.

(14) In this regulation—

- “day 2 test” has the same meaning as in regulation 3B(11)(a);
- “day 8 test” has the same meaning as in regulation 3B(11)(b);
- “offshore installation” has the same meaning as in paragraph 24 of Schedule 2;
- “the Self-Isolation Regulations” has the same meaning as in Schedule 2C;
- “workforce test” has the same meaning as in Schedule 2D.”.

Amendment to regulation 4

6.—(1) Regulation 4 (requirement to self-isolate) is amended as follows.

(2) In paragraph (3)—

- (a) in sub-paragraph (a), for “(c) or (e)” substitute “(c), (e) or (f)”;
- (b) at the end of sub-paragraph (c) omit “or”;
- (c) at the end of sub-paragraph (e) insert—
 - “, or
- (f) where P is a person described in paragraph 6(2)(c)(i) of Schedule 2 (driver of a goods vehicle)—
 - (i) in the goods vehicle while undertaking the work described in that paragraph,

- (ii) in the goods vehicle while not undertaking the work described in that paragraph if P is travelling alone in a goods vehicle with a compartment behind the driver’s seat intended to be used for sleeping (“a sleeper cab”), subject to paragraph (iii)(bb),
- (iii) in a hotel, hostel or bed and breakfast accommodation while not undertaking the work described in that paragraph—
 - (aa) if P is travelling in a goods vehicle without a sleeper cab, or
 - (bb) if self-isolating in a goods vehicle would contravene Article 8 of Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport⁽¹⁶⁾,
 - (iv) in the goods vehicle or a hotel, hostel or bed and breakfast accommodation while not undertaking the work described in that paragraph if P is travelling with another person in a goods vehicle with a sleeper cab”.
- (3) In paragraph (9)—
 - (a) after sub-paragraph (b) insert—
 - “(bza) to undertake a workforce test required by regulation 3C,”;
 - (b) at the end of sub-paragraph (f) omit “or”;
 - (c) at the end of sub-paragraph (h) insert—
 - “,
 - (i) if self-isolating in a goods vehicle by virtue of paragraph (3)(f)—
 - (i) for sanitary reasons,
 - (ii) to take exercise outside,
 - (iii) where required or permitted by that paragraph, to move to a different place for self-isolation,
 - (iv) to inspect the vehicle or its load or to carry out any other task required for the safe and continued operation of the vehicle, including refuelling, and
 - (v) for any other reason or purpose specified in this paragraph”.
- (4) In paragraph (13)—
 - (a) in sub-paragraph (d), for “6,” substitute “6(2)(c)(ii),”;
 - (b) after sub-paragraph (e) insert—
 - “(ea) in paragraph 6(2)(c)(i) of Schedule 2 (driver of a goods vehicle) and is ordinarily resident in the United Kingdom, P is only required to comply with this regulation while undertaking the work described in that paragraph,”.

Amendments to regulation 6

- 7.—(1) Regulation 6 (offences and penalties) is amended as follows.
- (2) In paragraph (1) after sub-paragraph (ab)⁽¹⁷⁾ insert—
 - “(ac) without reasonable excuse contravenes a requirement in regulation 3C, 3D or paragraph 4 of Schedule 2D,”.
- (3) After paragraph (1C)⁽¹⁸⁾ insert—

⁽¹⁶⁾ EUR 2006/561, as amended by S.I. 2019/453 and 2021/135 and 1658.

⁽¹⁷⁾ Sub-paragraph (ab) was inserted by S.I. 2021/150.

⁽¹⁸⁾ Paragraph (1C) was inserted by S.I. 2021/150.

“(1D) For the purposes of paragraph (1)(ac) reasonable excuses for contravening regulation 3C include, in particular, where—

- (a) it is not reasonably practicable for P to undertake a test due to a disability,
- (b) P requires medical treatment with such urgency that undertaking a test is not reasonably practicable,
- (c) a test is cancelled for reasons beyond P’s control,
- (d) P has left England,
- (e) P is employed as air crew and is undertaking a rest period for a continuous, uninterrupted and defined period of time, following duty or prior to duty, during which P is free of all duties, standby or reserve (and for these purposes, “duties” “standby” and “reserve” have the meanings given in paragraph ORO.FTL.105 of [Commission Regulation \(EU\) No. 965/2012\(19\)](#).”.

Amendments to regulation 7

8.—(1) Regulation 7 (fixed penalty notices) is amended as follows.

(2) In paragraph (5A)(20) after “described in” insert “regulation 6(1)(ac) for breach of a requirement in paragraph 4 of Schedule 2D or”.

(3) After paragraph (6ZB)(21) insert—

“(6ZC) Where the fixed penalty notice is issued to a person in respect of an offence described in regulation 6(1)(ac) for contravening a requirement in regulation 3C or 3D, then the amount specified under paragraph (4)(c) must be—

- (a) in the case of a first fixed penalty notice, £1,000,
- (b) in the case of a second fixed penalty notice, £2,000,
- (c) in the case of a third and subsequent fixed penalty notice, £3,000.”.

Amendments to Schedule 2A

9.—(1) Schedule 2A (optional testing) is amended as follows.

(2) In paragraph 4 (required circumstances for undertaking testing)—

(a) in sub-paragraph (d)—

- (i) after “booked” insert “and payment made”,
- (ii) after “reference number”, on the first occasion it appears, insert “in the format specified in sub-paragraph (e)”;

(b) after sub-paragraph (d) insert—

“(e) a test reference number must consist of 12 characters comprising 5 letters followed by 7 digits.”.

(3) In paragraph 5(6) (notification of test results), at the end insert—

“(e) the fact that the test is an appropriate test for the purposes of this Schedule.”.

Amendments to Schedule 2C

10.—(1) Schedule 2C (mandatory testing after arrival in England) is amended as follows.

(19) EUR 2012/965, as amended by [S.I. 2019/645](#) and 1098 and 2020/1116.

(20) Paragraph (5A) was inserted by [S.I. 2020/1070](#) and amended by [S.I. 2021/150](#).

(21) Paragraph (6ZB) was inserted by [S.I. 2021/150](#).

- (2) In paragraph 1(1) (interpretation) in paragraph (d) omit “, subject to paragraph 13.”
- (3) In paragraph 2 (requirement to self-isolate on failure to take mandatory test)—
- (a) in sub-paragraph (1), in the opening words, for “This paragraph” substitute “Sub-paragraph (2)”
 - (b) in sub-paragraph (2), after “sub-paragraph (3),” insert “unless P is a person of the description in regulation 3AA(1)(b), (c) or (d),”;
 - (c) after sub-paragraph (2) insert—
 - “(2A) Sub-paragraph 2B applies where P is a person of the description in regulation 3AA(1)(b), (c) or (d) and P fails to undertake a day 2 test.
 - (2B) P must self-isolate in accordance with regulation 2 of the Self-Isolation Regulations as if P had been notified under regulation 2A(1)(a) of those Regulations, on the date that P should have undertaken the day 2 test, that P had tested positive, until the earlier of —
 - (a) the end of the 14th day after the day P arrived in England; or
 - (b) the time that P is notified of the result of a test meeting the requirements of a day 2 test save as to the time at which that test is to be undertaken, that P has undertaken.
 - (2C) Sub-paragraph (2D) applies where P is a person of the description in regulation 3AA(1)(b), (c) or (d) and P fails to undertake a day 8 test.
 - (2D) P must self-isolate in accordance with regulation 2 of the Self-Isolation Regulations as if P had been notified under regulation 2A(1)(a) of those Regulations, on the date that P should have undertaken the day 8 test, that P had tested positive, until the earlier of—
 - (a) the end of the 14th day after the day P arrived in England; or
 - (b) the time that P is notified of the result of a test meeting the requirements of day 8 test save as to the time at which the test is undertaken, that P has undertaken.
 - (2E) If the result notified to P of a test of the description in paragraph (2B)(b) or (2D)(b) is a positive result, P must self-isolate in accordance with regulation 2 of the Self-Isolation Regulations until the end of the 10th day after the day P arrived in England.”.
- (4) In paragraph 4(1)(a) (optional tests), after “arrival” insert “who is required to comply with regulation 4”.
- (5) In paragraph 7(1)(d) (day 2 tests: private provider requirements) for the words from “accreditation” to the end substitute “ISO standard 15189 or ISO/IEC standard 17025 in respect of the evaluation of the established molecular detection method and the genomic sequencing of samples”.
- (6) In paragraph 10 (required circumstances for undertaking a day 2 test or a day 8 test)—
- (a) in sub-paragraph (5)—
 - (i) after “booked” insert “and payment made”,
 - (ii) after “reference number”, on the first occasion it appears, insert “in the format specified in sub-paragraph (6)”;
 - (b) after sub-paragraph (5) insert—

“(6) A test reference number must consist of 12 characters comprising 5 letters followed by 7 digits.”.
- (7) In paragraph 11(5) (notification of test results), at the end insert—
- (e) whether the test is a day 2 test or a day 8 test.”.

(8) Omit paragraph 13.

Insertion of new Schedule 2D

11. After Schedule 2C insert—

“Schedule 2D

Regulation 2C

Workforce tests after arrival in England

Interpretation of Schedule 2D

1. In this Schedule—

“P” means a person required to undertake workforce tests under regulation 3C (requirement to undertake workforce tests);

“the Self-Isolation Regulations” means the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020(22);

“workforce test” means any of the categories of workforce test described in regulation 3C(6).

Requirement after failure to undertake test

2.—(1) Sub-paragraph (2) applies where P fails to undertake a workforce test that P is required by regulation 3C to undertake.

(2) Where this sub-paragraph applies, P must self-isolate in accordance with regulation 2 of the Self-Isolation Regulations until the earlier of—

- (a) the end of the 14th day after the day on which they arrived in England; or
- (b) the time P obtains a negative result from a workforce test.

(3) P must comply with any applicable obligations in regulation 3C(2) during any period that P is required to self-isolate in accordance with paragraph (2).

(4) Where P is required to self-isolate in accordance with paragraph (2), regulation 2(2) of the Self-Isolation Regulations (meaning of self-isolate) applies as if it also permitted P to leave the place of self-isolation where necessary to undertake a workplace test.

Consequences of test results

3.—(1) Where a workforce test undertaken by P in accordance with regulation 3C generates a positive result—

- (a) P must as soon as reasonably practicable undertake a further test which complies with the requirements for a day 2 test specified in paragraph 6 of Schedule 2C, in the circumstances specified in paragraph 10 of that Schedule (other than the circumstances in paragraph 10(2) about when a test must be undertaken);
- (b) P must self-isolate in accordance with regulation 2 of the Self-Isolation Regulations until the end of the 10th day after the day P undertook the test.

(2) Where a workforce test undertaken by P in accordance with regulation 3C generates a positive result—

- (a) if that test was a workforce test undertaken for day 2, P is not required to undertake a workforce test for day 5 or day 8;

(b) if that test was a workforce test undertaken for day 5, P is not required to undertake a workforce test for day 8;

(3) Where a further test undertaken in accordance with paragraph (1)(a) generates a negative result, this paragraph applies to P from the time P is notified of that negative result as if the workforce test undertaken by P in accordance with regulation 3C had generated a negative result (and accordingly, from that time, P is no longer required to self-isolate).

(4) Paragraph 11(4) and (5) (notification of test results) of Schedule 2C (mandatory testing after arrival in England) applies in relation to a further test undertaken pursuant to paragraph (1) (a) as it applies to a test provider in relation to a test provided under Schedule 2C.

(5) Where a workforce test undertaken by P in accordance with regulation 3C generates an inconclusive result, P must as soon as reasonably practicable undertake a further workforce test and that further workforce test is to be treated as a replacement workforce test within the meaning of regulation 3C(4) (requirement to undertake workforce tests).

Duties on employers

4.—(1) An employer with more than 50 employees who is the employer of any person who is required to undertake workforce tests or has responsibility for any agency worker who is required to undertake workforce tests, must take reasonable steps to facilitate the taking of those tests by that person or agency worker in accordance with these Regulations.

(2) In the discharge of the duty under sub-paragraph (1), an employer must have regard to any guidance issued by the Secretary of State for the purposes of this paragraph.

(3) In paragraph (1) an employer has responsibility for an agency worker if—

(a) the agency worker is supplied or to be supplied by a person (an “agent”) to the employer under a contract or other arrangements made between the agent and the employer; and

(b) the agency worker is not—

(i) a worker because of the absence of a worker’s contract between the agency worker and the agent or the employer, or

(ii) a party to a contract under which the agency worker undertakes to do the work for another party to a contract whose status is, by virtue of the contract, that of a client or customer of any profession or business undertaking carried on by the agency worker.”.

Amendment to the Health Protection (Notification) Regulations 2010

12. In regulation 4ZA (duty to notify Public Health England of certain matters) of the Health Protection (Notification) Regulations 2010(23), at the end insert—

“(3) Where a specimen number has been assigned to a specimen on which an operator of a diagnostic laboratory is carrying out an operation of the description in paragraph 7(1) (f) of Schedule 2C to the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (genomic sequencing), that operator must take reasonable steps to ascertain any specimen number previously assigned to that sample and must endeavour to use the same specimen number in its fulfilment of the obligation in paragraph (2)(d)(iii).”.

Transitional provision and saving

13. Nothing in these Regulations applies in relation to a person who arrived in England before 4.00 a.m. on 6th April 2021.

At 11.56 a.m. on 1st April 2021

Jo Churchill
Parliamentary Under-Secretary of State,
Department of Health and Social Care

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (“the International Travel Regulations”).

Regulation 6 introduces a system of self-isolation for some road haulage workers. Regulations 3, 4, 5 and 7 to 11 introduce a system of workforce testing for coronavirus. The Regulations make further minor amendments to the International Travel Regulations.

Regulation 12 amends the Health Protection (Notification) Regulations 2010 to require laboratory operators to secure consistent numbering of specimens tested.

An impact assessment has not been produced for this instrument. An explanatory memorandum has been published alongside this instrument at www.legislation.gov.uk.