

## SCHEDULE 2

Regulation 3(10) and 4(13)

Persons not required to comply with regulation 3 or 4

### PART 1

Persons not required to comply with regulation 3 and regulation 4

- 1.—(1) A person (“P”) who is—
- (a) a member of a diplomatic mission in the United Kingdom,
  - (b) a member of a consular post in the United Kingdom,
  - (c) an officer or servant of an international organisation,
  - (d) employed by an international organisation as an expert or on a mission,
  - (e) a representative to an international organisation,
  - (f) a representative at an international or United Kingdom conference who is granted privileges and immunities in the United Kingdom,
  - (g) a member of the official staff of a representative to an international organisation, or of a person falling within paragraph (f),
  - (h) described in paragraph (a) or (b) who is passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality,
  - (i) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom,
  - (j) a representative of the government of a British overseas territory,
  - (k) a diplomatic courier or a consular courier,
  - (l) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (k),
- (2) The conditions referred to in regulation 4(13)(a)(i) (persons who are not required to comply with regulation 4) are that—
- (a) the relevant head of the mission, consular post, international organisation, or conference, 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 and Commonwealth Office that—
    - (i) P is required to undertake work which is essential to the functioning of the mission, consular post, international organisation, conference, or office, or to undertake work 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
    - (ii) that work cannot be undertaken whilst P is complying with regulation 4, and
  - (b) prior to P’s arrival in the United Kingdom the Foreign and Commonwealth Office—
    - (i) has confirmed in writing to the person giving the confirmation referred to in paragraph (a) that it has received that confirmation, and
    - (ii) where P is a representative of a foreign country or territory, has then confirmed in writing to the person giving the confirmation referred to in paragraph (a) that P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with regulation 4.

*Status: This is the original version (as it was originally made).*

(3) For the purposes of this paragraph—

- (a) “consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963,
- (b) “consular post” means any consulate-general, consulate, vice-consulate or consular agency,
- (c) “diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961,
- (d) “international organisation” means an international organisation accorded privileges and immunities in the United Kingdom,
- (e) “member of a consular post” means a “consular officer”, “consular employee” and “member of the service staff” as defined in Schedule 1 to the Consular Relations Act 1968(1), and “head of consular post” has the meaning given in that Schedule,
- (f) “member of a diplomatic mission” means the “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” and “members of the service staff” as defined in Schedule 1 to the Diplomatic Privileges Act 1964(2).

(4) This paragraph is without prejudice to any immunity from jurisdiction or inviolability which is accorded to any person described in sub-paragraph (1) under the law of England and Wales apart from these Regulations.

2.—(1) A Crown servant or government contractor where they are—

- (a) required to undertake essential government work related to the United Kingdom border in the United Kingdom within 14 days of their arrival, or
- (b) undertaking essential government work related to the United Kingdom border outside of the United Kingdom but—
  - (i) are required to return to the United Kingdom temporarily,
  - (ii) will thereafter depart to undertake essential government work related to the United Kingdom border outside of the United Kingdom.

(2) For the purposes of sub-paragraph (1) and paragraph 3—

- (a) “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989(3),
- (b) “essential government work” means work which has been designated as such by the relevant Department or employer,
- (c) “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

3.—(1) A person who is a Crown servant, a government contractor, or a member of a visiting force, who—

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(1) 1968 c. 18. There are amendments but none is relevant.

(2) 1964 c. 81. There are amendments but none is relevant.

(3) 1989 c. 6. Section 12 was amended by paragraph 22 of Schedule 10 to the Reserve Forces Act 1996 (c. 14), by paragraph 30 of Schedule 12 to the Government of Wales Act 1998 (c. 38), by paragraph 26 of Schedule 8 to the Scotland Act 1998 (c. 46), by paragraph 9(3) of Schedule 13 to the Northern Ireland Act 1998 (c. 47), by paragraph 9 of Schedule 6 to the Police (Northern Ireland) Act 2000 (c. 32), by paragraph 6 of Schedule 14 to the Energy Act 2004 (c. 20), by paragraph 58 of Schedule 4 to the Serious Organised Crime and Police Act 2005, by paragraph 34 of Schedule 10, and paragraph 1 of Schedule 12, to the Government of Wales Act 2006 (c. 32) and by paragraph 36 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).

- (a) is required to undertake work necessary to the delivery of essential defence activities, or
  - (b) has undertaken a continuous period of at least 14 days immediately preceding their arrival aboard a vessel operated by or in support of Her Majesty’s Naval Service and that vessel has not taken on any persons or docked in any port outside of the common travel area for a period of at least 14 days immediately preceding its arrival in the United Kingdom.
- (2) For the purposes of sub-paragraph (1)—
- (a) “defence” has the meaning given in section 2(4) of the Official Secrets Act 1989,
  - (b) “visiting force” means a visiting force within the meaning given in section 12(1) of the Visiting Forces Act 1952(4), where that force is from a country which is listed under section 1(1)(a), or designated under section 1(1)(b) or 1(2), of the Visiting Forces Act 1952(5), or which is a country member of the North Atlantic Treaty Organisation.
4. An official of a foreign Government, required to travel to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties where—
- (a) they are in possession of a written notice signed by a senior member of their foreign Government confirming that they are required to undertake essential border security duties in the United Kingdom within 14 days of arrival and that that work cannot be undertaken whilst the person is complying with regulation 4, or
  - (b) their deployment is pursuant to a standing bilateral or multilateral agreement with Her Majesty’s Government on the operation of the Border controls within the United Kingdom.

## PART 2

### Persons not required to comply with regulation 4

5.—(1) A transit passenger.

(2) For the purposes of sub-paragraph (1), “transit passenger” means a person who, on arrival in the United Kingdom, passes through to another country or territory without entering the United Kingdom.

6.—(1) A road haulage worker or a road passenger transport worker.

(2) For the purposes of this paragraph—

- (a) “driver” includes a person who is travelling in a vehicle as a relief driver,
- (b) “goods vehicle” has the meaning given in section 192 of the Road Traffic Act 1988(6),
- (c) “road haulage worker” means—
  - (i) the driver of a goods vehicle that is being used in connection with the carriage of goods, other than goods for non-commercial personal use by the driver, or

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(4) The definition of “visiting force” in section 12(1) was amended by paragraph 14(1) of Schedule 15 to the Criminal Justice Act 1988 (c. 33).

(5) 1952 c. 67. Section 1(a) has been amended numerous, times. The countries listed are: Canada, Australia, New Zealand, South Africa, India, Pakistan, Ceylon, Ghana, Malaysia, the Republic of Cyprus, Nigeria, Sierra Leone, Tanganyika, Jamaica, Trinidad and Tobago, Uganda, Kenya, Zanzibar, Malawi, Zambia, Malta, The Gambia, Guyana, Botswana, Lesotho, Singapore, Barbados, Mauritius, Swaziland, Tonga, Fiji, the Bahamas, Bangladesh, Solomon Islands, Tuvalu, Dominica, St. Lucia, Kiribati, St Vincent and the Grenadines, Papua New Guinea, Western Samoa and Nauru, Zimbabwe, the New Hebrides, Belize, Antigua and Barbuda, Saint Christopher and Nevis, Brunei, Maldives, Namibia, Cameroon and Mozambique.

(6) 1988 c. 52. There are amendments to section 192 but none is relevant.

*Status: This is the original version (as it was originally made).*

- (ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council(7), and who is acting in the course of their employment,
- (d) “public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(8),
- (e) “road passenger transport worker” means—
  - (i) the driver of a public service vehicle, or
  - (ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1073/2009(9) of the European Parliament and of the Council, and who is acting in the course of their employment.

7.—(1) Seamen and masters, as defined in section 313(1) of the Merchant Shipping Act 1995(10), where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007.

(2) For the purposes of sub-paragraph (1) and paragraph 8—

- (a) “the Maritime Labour Convention, 2006” means the Convention adopted on 23rd February 2006 by the General Conference of the International Labour Organisation(11),
- (b) “the Work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14th June 2007 by the International Labour Organisation(12).

8. A pilot, as defined in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995(13), where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007.

9. An inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995(14), where they have travelled to the United Kingdom in the course of their work.

10. Crew, as defined in paragraph 1 of Schedule 1 to the Air Navigation Order 2016(15), where such crew have travelled to the United Kingdom in the course of their work.

11. Civil aviation inspectors, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7th December 1944(16), where they have travelled to the United Kingdom when engaged on inspection duties.

12.—(1) Any of the following who have travelled to the United Kingdom in the course of their work—

- (a) drivers and crews on shuttle services and on services for the carriage of passengers or goods by way of the tunnel system,
- (b) operational, rail maintenance, safety and security workers working on the tunnel system,

(7) OJ No. L 300, 14.11.2009, p. 72.

(8) 1981 c. 14. Section 1 was amended by section 139(3) of the Transport Act 1985 (c.67).

(9) OJ No. L 300, 14.11.2009, p. 88–105.

(10) 1995 c. 21. There are amendments to section 313(1) but none is relevant.

(11) Cm. 7049. ISBN 978 010 1889 766.

(12) Cm 7375.

(13) Schedule 3A was inserted by Schedule 1 to the Marine Safety Act 2003 (c. 16).

(14) There are amendments to section 256 but none is relevant.

(15) S.I. 2016/765. There are amendments to Schedule 1 but none is relevant.

(16) The latest edition of Annex 9, which is published by the International Civil Aviation Organization, is the 15th edition, which applied from 23rd February 2018 (ISBN 978-92-9258-301-9).

- (c) other workers carrying out essential roles for the safe or efficient operation of the tunnel system, shuttle services or services for the carriage of passengers or goods by way of the tunnel system, or relating to the security of the tunnel system or any such services.
- (2) For the purposes of sub-paragraph (1)—
  - (a) “shuttle service” has the meaning given in section 1(9) of the Channel Tunnel Act 1987,
  - (b) “tunnel system” has the meaning given in section 1(7) of that Act.

- 13.**—(1) A Crown servant or government contractor who is—
- (a) required to undertake essential policing or essential government work in the United Kingdom within 14 days of their arrival,
  - (b) undertaking essential policing or essential government work outside of the United Kingdom but—
    - (i) is required to return to the United Kingdom temporarily,
    - (ii) will thereafter depart to undertake essential policing or essential government work outside of the United Kingdom, or
  - (c) who is conducting bi-lateral or multilateral discussions with another state or international organisation.
- (2) For the purposes of sub-paragraph (1)—
- (a) “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989,
  - (b) “essential government work” means work which has been designated as such by the relevant Department or employer, and includes, in particular, work related to national security, the work of the National Crime Agency in pursuance of its statutory functions, immigration, the coronavirus disease and any other crisis response, but does not include work of the description in paragraph 2 of Part 1 of this Schedule,
  - (c) “essential policing” means policing which has been designated as such on behalf of the relevant chief officer or chief constable,
  - (d) “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

**14.** A person designated by the relevant Minister under section 5(3) of the Repatriation of Prisoners Act 1984<sup>(17)</sup>.

**15.** A person responsible for escorting a person sought for extradition pursuant to a warrant issued under Part 3 of the Extradition Act 2003<sup>(18)</sup> or sought for extradition pursuant to any other extradition arrangements.

**16.** A representative of any territory travelling to the United Kingdom in order to take into custody a person whose surrender has been ordered pursuant to any provision of the Extradition Act 2003.

- 17.**—(1) Workers engaged in essential or emergency works—
- (a) related to water supplies and sewerage services, and
  - (b) carried out by, for, or on behalf of a water undertaker, sewerage undertaker, water supply licensee, sewerage licensee or local authority,

where they have travelled to the United Kingdom in the course of their work.

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<sup>(17)</sup> 1984 c. 47.

<sup>(18)</sup> 2003 c. 41.

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- (2) For the purposes of sub-paragraph (1)—
- (a) “essential or emergency works” includes—
    - (i) inspections, maintenance, repairs, and asset replacement activities,
    - (ii) monitoring, sampling and analysis of water supplies under the Private Water Supplies (England) Regulations 2016<sup>(19)</sup>, the Water Supply (Water Quality) Regulations 2016<sup>(20)</sup>, the Private Water Supplies (Wales) Regulations 2017<sup>(21)</sup>, or the Water Supply (Water Quality) Regulations 2018<sup>(22)</sup>,
  - (b) “sewerage licensee” has the meaning given in section 17BA(6) and 219(1) of the Water Industry Act 1991<sup>(23)</sup>,
  - (c) “sewerage services” has the meaning given in section 219(1) of the Water Industry Act 1991<sup>(24)</sup>,
  - (d) “water supply licensee” has the meaning given in sections 17A(7) and 219(1) of the Water Industry Act 1991 <sup>(25)</sup>.

**18.—(1) Workers engaged in essential or emergency works—**

- (a) related to—
  - (i) a generating station,
  - (ii) an electricity interconnector,
  - (iii) a district heat network as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014<sup>(26)</sup>,
  - (iv) communal heating as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014,
  - (v) automated ballast cleaning and track re-laying systems on a network, or
  - (vi) the commissioning, maintenance and repair of industrial machinery for use on a network, or
- (b) carried out by or on behalf of—
  - (i) the national system operator,
  - (ii) a person holding a transmission licence,
  - (iii) a person holding a distribution licence,
  - (iv) a person holding a licence under section 7 and 7ZA of the Gas Act 1986<sup>(27)</sup>,
  - (v) a LNG import or export facility as defined in section 48 of the Gas Act 1986<sup>(28)</sup>, or
  - (vi) a person holding a network licence under section 8 of the Railways Act 1993,

where they have travelled to the United Kingdom for the purposes of their work.

- (2) For the purposes of sub-paragraph (1)—

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<sup>(19)</sup> S.I. 2016/618; relevant amending instruments are S.I. 2017/506, 2018/707 and 2019/558.  
<sup>(20)</sup> S.I. 2016/614; relevant amending instruments are S.I. 2017/506, 2018/706 and 378, 2019/526 and 558.  
<sup>(21)</sup> S.I. 2017/1041 (W. 270), as amended by S.I. 2018/647 (W. 121), S.I. 2019/460 (W. 110) and S.I. 2019/463 (W. 111).  
<sup>(22)</sup> S.I. 2018/647 (W. 121), as amended by S.I. 2019/463 (W. 111).  
<sup>(23)</sup> 1991 c. 56. Section 17BA(6) was inserted by section 4(1) of the Water Act 2014 (c. 21). The reference to “sewerage licensee” was inserted in section 219(1) by paragraph 120(2)(f) of Schedule 7 to the Water Act 2014.  
<sup>(24)</sup> The definition of “sewerage services” was amended by paragraph 120 of Schedule 7 to the Water Act 2014.  
<sup>(25)</sup> Section 17A was inserted by section 1 of the Water Act 2014.  
<sup>(26)</sup> S.I. 2014/3120. There are no relevant amending instruments.  
<sup>(27)</sup> 1986 c. 44. Section 7ZA was inserted by section 149(6) of the Energy Act 2004.  
<sup>(28)</sup> The definition was inserted by S.I. 2011/2704.

- (a) “distribution licence” means a licence granted under section 6(1)(c) of the Electricity Act 1989**(29)**,
- (b) “essential or emergency works” includes commissioning, inspections, maintenance, repairs, and asset replacement activities,
- (c) “national system operator” means the person operating the national transmission system for Great Britain,
- (d) “network”, in sub-paragraph (1)(a)(v) and (vi), has the meaning given in section 83(1) of the Railways Act 1993**(30)**
- (e) “transmission licence” means a licence granted under section 6(1)(b) of the Electricity Act 1989,
- (f) “electricity interconnector”, “generating station” and “transmission system” have the meanings given in section 64(1) of the Electricity Act 1989**(31)**.

19.—(1) A person who is—

- (a) nuclear personnel, and who is essential to the safe and secure operations of a site in respect of which a nuclear site licence has been granted,
- (b) a nuclear emergency responder,
- (c) an agency inspector, or
- (d) a Euratom inspector, provided that they arrive in the United Kingdom before IP completion day,

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

- (a) “agency inspector” has the meaning given in section 1(1) of the Nuclear Safeguards Act 2000**(32)**,
- (b) “nuclear emergency responder” means a person providing assistance to the United Kingdom in accordance with the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency done at Vienna on 26 September 1986, who has been duly notified to and accepted by the United Kingdom, where the United Kingdom has requested assistance under that Convention,
- (c) “Euratom inspector” means an inspector sent to the United Kingdom by the Commission of the European Union in accordance with Articles 81 and 82 of the Euratom Treaty,
- (d) “nuclear personnel” means—
  - (i) a worker who is employed to carry out work on or in relation to a site in respect of which a nuclear site licence has been granted, or
  - (ii) an employee of the Nuclear Decommissioning Authority**(33)**,
- (e) “nuclear site licence” has the meaning given in section 1 of the Nuclear Installations Act 1965**(34)**.

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**(29)** 1989 c. 29.

**(30)** 1993 c. 43. There are amendments to section 83(1) but none is relevant.

**(31)** The definition of “electricity interconnector” was inserted by section 147(7) of the Energy Act 2004. The definition of “transmission system” was substituted by paragraph 15 of Schedule 19 to the 2004 Act.

**(32)** 2000 c. 5

**(33)** The Nuclear Decommissioning Authority was established by section 1 of the Energy Act 2004.

**(34)** 1965 c. 57. Section 1 was substituted by paragraph 17 of Schedule 2 to the Energy Act 2013 (c. 32); by virtue of section 1(2), a licence described in section 1(1) is referred to as a “nuclear site licence”.

**20.** An inspector from the Organisation for the Prohibition of Chemical Weapons, within the meaning given to “inspector” by section 24(e) of the Chemical Weapons Act 1996<sup>(35)</sup>, who has travelled to the United Kingdom for the purposes of an inspection.

**21.—(1)** A person who is—

- (a) carrying out a critical function at a space site or spacecraft controller who is responsible for command and control of a launch vehicle or spacecraft for nominal operations, collision avoidance or anomalies, or
- (b) employed by, or contracted to provide services to, a person who operates or maintains space situational awareness capabilities,

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

- (a) “space site” has the meaning given in paragraph 5(3) of Schedule 4 to the Space Industry Act 2018<sup>(36)</sup>,
- (b) “space situational awareness capabilities” means the sensors, systems and analytical services needed to provide time-sensitive warnings of space weather events, orbital collisions, orbital fragmentations or the re-entry of man-made objects from orbit,
- (c) “spacecraft” has the meaning given in section 2(6) of the Space Industry Act 2018,
- (d) “spacecraft controller” means a person competent, authorised and responsible for maintaining safe and secure operation of spacecraft through monitoring the status of a spacecraft, issuing manoeuvre commands or controlling other aspects of the spacecraft that influence its behaviour including its motion in space.

**22.—(1)** A specialist aerospace engineer, or a specialist aerospace worker, where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

- (a) “specialist aerospace engineer” means a person who is employed or otherwise engaged to provide engineering services for the purpose of ensuring the continued operation of aviation activities (including but not limited to the provision of maintenance and repair services for production lines, aviation components, grounded aircraft and new aircraft),
- (b) “specialist aerospace worker” means a person who is employed or otherwise engaged to provide services for the purpose of ensuring safety management and quality assurance as required by relevant standards, guidance and publications on aviation safety produced by the Civil Aviation Authority or the European Union Aviation Safety Agency<sup>(37)</sup>.

**23.—(1)** A person engaged in operational, maintenance or safety activities of a downstream oil facility that has a capacity in excess of 20,000 tonnes, where —

- (a) the downstream oil facility is engaged in a specified activity carried on in the United Kingdom in the course of a business, and contributes (directly or indirectly) to the supply of

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<sup>(35)</sup> 1996 c. 6.

<sup>(36)</sup> 2018 c. 5.

<sup>(37)</sup> The Civil Aviation Authority was established under section 1(1) of the Civil Aviation Act 1971 (c.75). That Act was replaced by a consolidating statute, the Civil Aviation Act 1982 (c.16), section 2(1) of which provides for the continued existence of the Civil Aviation Authority. There are amendments to section 2 but none is relevant. The European Union Aviation Safety Agency was established by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91.



crude oil based fuels to consumers in the United Kingdom or persons carrying on business in the United Kingdom, and

(b) the activities are required to ensure continued safe operation of the facility, where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

(a) a facility has a capacity in excess of 20,000 tonnes at any time if it was used in the previous calendar year for the purposes of downstream oil sector activities in relation to more than that number of tonnes of oil,

(b) “specified activities” are—

(i) storing oil,

(ii) handling oil,

(iii) the carriage of oil by sea or inland water,

(iv) conveying oil by pipes,

(v) refining or otherwise processing oil.

**24.**—(1) A worker undertaking, or required to commence—

(a) activities on or in relation to offshore installations,

(b) activities on or in relation to upstream petroleum infrastructure,

(c) critical safety work on offshore installations and wells that are being decommissioned or which are being preserved pending demolition or reuse, or

(d) activities for the provision of workers, goods, materials or equipment or other essential services required to support the safe operation of the activities referred to in paragraphs (a) to (c).

(2) For the purposes of sub-paragraph (1)—

(a) “offshore installations” has the meaning given in section 44 of the Petroleum Act 1998**(38)**,

(b) “upstream petroleum infrastructure” has the meaning given in section 9H of the Petroleum Act 1998 **(39)**,

(c) “wells” has the meaning given in section 45A(10) of the Petroleum Act 1998**(40)**.

**25.** A postal operator, as defined in section 27(3) of the Postal Services Act 2011**(41)**, where they have travelled to the United Kingdom in the course of their work.

**26.** A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works or services (including commissioning, maintenance, and repairs and safety checks) to ensure the continued production, supply, movement, manufacture, storage or preservation of goods, where they have travelled to the United Kingdom in the course of their work or otherwise to commence or resume their work.

**27.** A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works (including commissioning, maintenance, repairs and safety checks) or to fulfil contractual obligations or warranty specifications in, or in connection with, waste management facilities used for the management, sorting, treatment, recovery, or disposal of waste

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**(38)** 1998 c. 17. Section 44 was amended by paragraph 11 of Schedule 1 to the Energy Act 2008 **(32)**.

**(39)** Section 9H was substituted by section 74(2) of the Energy Act 2016 **(c. 20)**.

**(40)** Section 45A was inserted by section 75(1) of the Energy Act 2008. There are amendments to section 45A(10) but none is relevant.

**(41)** 2011 c. 5.

(including energy from waste), where they have travelled to the United Kingdom in the course of their work.

**28.—(1)** Any of the following—

- (a) a person (“P”) who—
  - (i) before travelling to the United Kingdom has made arrangements with a provider in the United Kingdom to receive healthcare (or, where P is a child, on whose behalf such arrangements have been made),
  - (ii) is in possession of written confirmation of the arrangements from the provider,
  - (iii) has travelled to the United Kingdom to receive that healthcare, and
  - (iv) is attending a place to receive that healthcare or is travelling directly between that place and the place where they are self-isolating,
- (b) a person who—
  - (i) is accompanying P for the purpose of providing necessary care or support to P in the circumstances referred to in sub-paragraph (1)(a)(iv), or
  - (ii) is travelling, for the purpose of so accompanying P, directly between the place where they are self-isolating and either of the places referred to in sub-paragraph (1)(a)(iv), where that person has travelled to the United Kingdom for that purpose and is in possession of the confirmation referred to in sub-paragraph (1)(a)(ii) or a copy of it,
- (c) an accompanying child who is accompanying P or, where P is a child, is accompanying a person referred to in sub-paragraph (1)(b),
- (d) a live donor who is attending a place for the purpose referred to in the definition of “live donor” or is travelling directly between that place and the place where they are self-isolating.

**(2)** For the purposes of this paragraph—

- (a) “accompanying child”, in relation to P, means a child who has arrived in England with P and for whom P has responsibility, or where P is a child, a child who has arrived in England with the person referred to in sub-paragraph (1)(b) and for whom that person has responsibility,
- (b) “healthcare” means all forms of healthcare provided for individuals, whether relating to mental or physical health, including healthcare in connection with giving birth,
- (c) “live donor” means a person who—
  - (i) has travelled to the United Kingdom for the purpose of donation of material which consists of or includes their human cells pursuant to arrangements made with a provider in the United Kingdom before travelling to the United Kingdom, and which are to be used by the provider for the purpose of providing healthcare, and
  - (ii) is in possession of written confirmation of the arrangements from the provider,
- (d) “provider” means a provider of healthcare,
- (e) references to a place where a person is self-isolating are to a place where they are required to self-isolate, or permitted to be at, by virtue of regulation 4.

**29.—(1)** A person who has travelled to the United Kingdom for the purpose of transporting, to a healthcare provider in the United Kingdom, material which consists of, or includes, human cells or blood which are to be used for the purpose of providing healthcare.

**(2)** For the purposes of sub-paragraph (1)—

- (a) “blood” includes blood components,

(b) “healthcare” and “provider” have the meanings given in paragraph 28(2).

**30.** A person who has travelled to the United Kingdom who is—

- (a) required to undertake work as a health or care professional in the United Kingdom within 14 days of their arrival, and
- (b) eligible to practise a profession regulated by any of the bodies mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002<sup>(42)</sup>.

**31.** A person who is an “inspector” within the meaning given in regulation 8(1) of the Human Medicines Regulations 2012<sup>(43)</sup> who has travelled to the United Kingdom to undertake activities in relation to their role as such a person.

**32.—(1)** A person who—

- (a) has travelled to the United Kingdom to—
  - (i) conduct a clinical trial within the meaning of “conducting a clinical trial” in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004<sup>(44)</sup>,
  - (ii) undertake such activities as are necessary or expedient to prepare for the conduct of a clinical trial, or
  - (iii) carry out any necessary compliance activity in relation to a clinical trial that cannot be conducted remotely,
- (b) is a “qualified person” within the meaning of regulation 43 of those Regulations, where they have travelled to the United Kingdom in order to undertake activities in relation to their role as such a person, or
- (c) is a “sponsor” within the meaning given in regulation 2(1) of those Regulations, or carries out the functions or duties of a sponsor, of a clinical trial and has travelled to the United Kingdom to undertake activities in relation to a clinical trial.

(2) For the purposes of sub-paragraph (1), “clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004.

**33.** A person who has travelled to the United Kingdom to conduct a “clinical investigation” within the meaning of the Medical Devices Regulations 2002<sup>(45)</sup>, or to undertake such activities as are necessary or expedient to prepare for the conduct of a clinical investigation or carry out any other necessary compliance activity in relation to a clinical investigation that cannot be conducted remotely.

**34.—(1)** A person who is—

- (a) a “qualified person” within the meaning of regulation 41(2) of the Human Medicines Regulations 2012<sup>(46)</sup>,
- (b) a “responsible person” within the meaning of regulation 45(1) of those Regulations, or
- (c) “an appropriately qualified person responsible for pharmacovigilance” within the meaning of regulation 182(2)(a) of those Regulations,

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<sup>(42)</sup> 2002 c. 17. Section 25(3) was amended by paragraph 17(2) and (3) of Schedule 10 to the Health and Social Care Act 2008, by paragraph 56(b) of Schedule 15 to the Health and Social Care Act 2012 (c. 7), by paragraph 2(2) of Schedule 4 to the Children and Social Work Act 2017 (c. 16) and by S.I. 2010/231.

<sup>(43)</sup> S.I. 2012/1916.

<sup>(44)</sup> S.I. 2004/1031, to which there are amendments not relevant to these Regulations.

<sup>(45)</sup> S.I. 2002/618.

<sup>(46)</sup> S.I. 2012/1916.

where they have travelled to the United Kingdom in order to undertake activities in relation to their role as such a person.

**35.—**(1) A person who has travelled to the United Kingdom for the purposes of their work in essential infrastructure industries including—

- (a) a person involved in essential maintenance and repair of data infrastructure required to reduce and resolve outages, or in the provision of goods and services to support these activities, and
- (b) an information technology or telecommunications professional (including information technology consultant, quality analyst, software tester, systems tester, and telecommunications planner), whose expertise is required to—
  - (i) provide an essential or emergency response to threats and incidents relating to the security of any network and information system, and
  - (ii) ensure the continued operation of any network and information system.

(2) For the purposes of sub-paragraph (1), “network and information” system has the meaning in regulation 1(2) of the Network and Information Systems Regulations 2018<sup>(47)</sup>.

**36.** A person who is engaged in urgent or essential work—

- (a) that is necessary for the continued operation of—
  - (i) electronic communications networks and services as defined in section 32 of the Communications Act 2003<sup>(48)</sup> (including such work relating to maintenance and repair of submarine cables connecting the United Kingdom with other countries), or
  - (ii) the BBC’s broadcasting transmission network and services,
- (b) in associated supply chain companies that maintain the confidentiality, integrity, and availability of the electronic communications networks and services and the BBC transmission network and services,

where they have travelled to the United Kingdom in the course of their work.

**37.** A person—

- (a) pursuing an activity as an employed or self-employed person in the United Kingdom and who resides in another country to which they usually return at least once a week, or
- (b) residing in the United Kingdom and who pursues an activity as an employed or self-employed person in another country to which they usually go at least once a week.

**38.—**(1) A person who has an offer of employment for seasonal work to carry out specified activities in edible horticulture on a specified farm.

(2) For the purposes of sub-paragraph (1)—

- (a) “seasonal work” is employment which fluctuates or is restricted due to the season or time of the year,
- (b) “edible horticulture” means growing—
  - (i) protected vegetables grown in glasshouse systems,
  - (ii) field vegetables grown outdoors, including vegetables, herbs, leafy salads and potatoes,
  - (iii) soft fruit grown outdoors or under cover,
  - (iv) trees that bear fruit,

<sup>(47)</sup> S.I. 2018/506.

<sup>(48)</sup> 2003 c. 21. The definition of “electronic communications network” was amended by S.I. 2011/1210.

- (v) vines and bines,
- (vi) mushrooms,
- (c) “specified farm” means the farm named in that person’s passenger information,
- (d) “specified activities” means—
  - (i) crop maintenance,
  - (ii) crop harvesting,
  - (iii) tunnel construction and dismantling,
  - (iv) irrigation installation and maintaining,
  - (v) crop husbandry,
  - (vi) packing and processing of crops on employers premises,
  - (vii) preparing and dismantling growing areas and media,
  - (viii) general primary production work in edible horticulture,
  - (ix) activities relating to supervising teams of horticulture workers.