

This Statutory Instrument, in part, corrects errors in S.I. 2021/1107 and S.I. 2021/1339 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2022 No. 11

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) Regulations 2022

Made - - - - *at 10.50 a.m. on 6th*
January 2022
Laid before Parliament *at 3.00 p.m. on 6th*
January 2022
Coming into force in accordance with regulation 1(2)

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 and Operator Liability) (England) (Amendment) Regulations 2022.

(2) These Regulations come into force at 4.00 a.m. on 7th January 2022, except—

(a) the following provisions come into force at 4.00 a.m. on 9th January 2022—

- (i) regulation 3;
- (ii) regulation 7;
- (iii) regulation 8(3)(b), (5) and (7)(b) and (d);
- (iv) regulation 12;
- (v) regulation 13;
- (vi) regulation 14(2)(a) and (3);
- (vii) regulation 16(2), (4), (5), (6)(a) and (7);

⁽¹⁾ 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

- (viii) regulation 18(2) and (4);
 - (ix) regulation 19;
 - (x) regulation 20, and
- (b) regulation 6 comes into force at 4.00 a.m. on 10th January 2022.
- (3) These Regulations extend to England and Wales, and apply in relation to England only.

Amendments to the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021

2. The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021(2) are amended in accordance with regulations 3 to 18.

Amendment of regulation 2 (interpretation and introduction of Schedules 1 to 4)

3. After the definition of “cruise ship” insert—
- ““day 2 LFD test” means a test for coronavirus which complies with paragraph 7A of Schedule 8 and is undertaken in the circumstances described in paragraph 10 of that Schedule;”.

Amendment of regulation 3 (requirement on passengers to provide information)

4. In regulation 3(4)(a), omit “3K (self-isolation requirements on eligible travellers)”.

Amendment of regulation 3ZA (requirement to possess notification of negative test result)

- 5.—(1) Regulation 3ZA is amended as follows.
- (2) Omit paragraph (3).
 - (3) In paragraph (6)—
 - (a) omit sub-paragraph (a);
 - (b) at the end of sub-paragraph (d) insert—
 - “;
 - (e) an eligible traveller”.
 - (4) In paragraph (7), omit sub-paragraph (c).

Amendment of regulation 3A (interpretation of Part 1B)

- 6.—(1) Regulation 3A is amended as follows.
- (2) In paragraph (2)(c)(ii)—
 - (a) for “10, 11 or 13” substitute “10, 11, 12, 13 or 14”;
 - (b) for “11th November” substitute “23rd December”(3).
 - (3) In the list in paragraph (4), insert entries at the appropriate places for—
“Bhutan

(2) S.I. 2021/582 amended by S.I. 2021/589, 670, 682, 731, 766, 795, 865, 914, 923, 966, 974, 1003, 1033, 1066, 1107, 1130, 1155, 1179, 1210, 1213, 1289, 1323, 1331, 1339, 1367, 1371, 1434, 1449 and 1463.

(3) The date refers to the day on which the relevant version of the Guidance Document “Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process” was published. A copy of the relevant version may be downloaded from https://extranet.who.int/pqweb/sites/default/files/documents/Status_COVID_VAX_23Dec2021.pdf. A hard copy may be obtained from the Department of Health and Social Care, 39 Victoria Street, London, SW1H 0EU.

Cameroon
Côte d’Ivoire
Cyprus, northern
Fiji
Iraq
Liberia
Mali
Mauritania
Niger
Palau
Papua New Guinea
Paraguay
Solomon Islands
The Gambia
Uzbekistan”.

Amendment of regulation 3J (testing requirements on eligible travellers (non-workers))

7. In paragraph (10)(a) of regulation 3J, after paragraph (i) insert—
“or
(ii) paragraph 7A (day 2 tests: general requirements for lateral flow device tests) of Schedule 8,”.

Amendment of regulation 3K (self-isolation requirements on eligible travellers)

- 8.—(1) Regulation 3K is amended as follows.
(2) Omit paragraphs (1), (2), (3), (4) and (5A).
(3) In paragraph (5)—
(a) in the words before sub-paragraph (a), for “Where P” substitute “Where an eligible traveller (“P”)”;
(b) in sub-paragraph (c), for “result, paragraph (8) applies” substitute—
“result and—
(i) the test is a day 2 PCR test, paragraph (8) applies;
(ii) the test is a day 2 LFD test, paragraphs (8A) and (8B) apply”.
- (4) In paragraph (7)(b)—
(a) in paragraph (i)—
(i) omit “or, where P is a relevant child, a replacement optional day 2 test”;
(ii) omit “or the optional day 2 test”;
(b) in paragraph (ii), omit “, or, where P is a relevant child, a replacement optional day 2 test,”;
(c) in paragraph (iii)—
(i) omit “or the optional day 2 test”;

(ii) omit “, or, where P is a relevant child, a replacement optional day 2 test.”.

(5) After paragraph (8) insert—

“(8A) P must as soon as reasonably practicable undertake a confirmatory test provided by a public provider for the purposes of this paragraph.

(8B) The Self-Isolation Regulations apply to P or, where P is a child, to R, as if—

(a) the notification of the positive result were notification from a relevant person under regulation 2A(1) of those Regulations that P has tested positive for coronavirus, and

(b) P’s period of self-isolation begins on receipt of the notification of the positive test result and ends on the earlier of—

(i) the end of the 10th day after the day P undertook the day 2 LFD test;

(ii) the time that P is notified that the result of the confirmatory test undertaken in accordance with paragraph (8A) is negative.

(8C) For the purposes of this regulation, a person is deemed to receive notification of a result in relation to a day 2 LFD test when the person determines the result in accordance with the test manufacturer’s instructions for use.”.

(6) Omit paragraphs (9) to (9E).

(7) In paragraph (10)—

(a) omit sub-paragraph (za);

(b) before sub-paragraph (a) insert—

“(zb) “day 2 PCR test” means a test for coronavirus which complies with paragraph 6 of Schedule 8 and is undertaken in the circumstances described in paragraph 10 of that Schedule;”;

(c) omit sub-paragraph (aa);

(d) before sub-paragraph (b) insert—

“(ab) “public provider” has the meaning given by paragraph 1(1)(f) of Schedule 8;”;

(e) omit sub-paragraph (c).

Omission of regulations 3L and 9A (application of Parts 1B and 2 to certain Schedule 11 arrivals)

9. Omit regulations 3L and 9A.

Amendment of regulation 11 (enforcement of requirement to self-isolate)

10. In each of paragraphs (1), (9) and (10) of regulation 11, omit “3K or”.

Amendment of regulation 14 (required information and manner)

11.—(1) Regulation 14 is amended as follows.

(2) In paragraphs (1)(c)(iii), after “3ZA,” insert “3J,”.

(3) In paragraph (2)(b)(iv), after “regulation” insert “3J or”.

(4) In paragraph (3)(b)(iii), after “3ZA,” insert “3J,”.

Amendment of regulation 18A

- 12.**—(1) Regulation 18A (requirements on test providers) is amended as follows.
- (2) In paragraph (1), after “undertake tests)” insert “, other than a day 2 LFD test,”.
- (3) After paragraph (1) insert—
- “(1A) A private provider who provides a day 2 LFD test must comply with the requirements set out in the following provisions of Schedule 8—
- (a) paragraphs (a) to (h) of paragraph 7B(1) (day 2 tests: private provider requirements for lateral flow device tests);
- (b) paragraph 10(5);
- (c) paragraph 11A(2) (notification of test results: lateral flow device tests).”.

Amendment of regulation 18B

- 13.**—(1) Regulation 18B (requirements on other persons carrying out testing services) is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (a), after “or 6,” insert “other than in relation to a day 2 LFD test,”;
- (b) after sub-paragraph (a) insert—
- “(ab) in relation to a day 2 LFD test, paragraph 7B(1)(h)(i) to (iii) of Schedule 8;”.
- (3) In paragraph (2), after sub-paragraph (a) insert—
- “(b) for the purposes of paragraph (1)(ab), the meaning given by paragraph 7B(2) of Schedule 8”.

Amendment of regulation 19 (offences and penalties)

- 14.**—(1) Regulation 19 is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (c), after “(testing requirements on eligible travellers (non-workers))” insert “, 3K(8A) (confirmatory UKHSA test)”;
- (b) in sub-paragraph (f), omit the words from “or 3K(1)” to the end.
- (3) In paragraph (4)(b), after “or (7)” insert “, 3K(8A)”.
- (4) In paragraph (13B), after “18A(1)” insert “, (1A)”.

Amendment of regulation 22 (power to use and disclose information)

- 15.**—(1) Regulation 22 is amended as follows.
- (2) In paragraph (2)—
- (a) in sub-paragraph (f), after “3ZA(4)” insert “, 3J(5)”;
- (b) in sub-paragraph (h), omit “, 3K”.
- (3) In paragraph (5)—
- (a) in sub-paragraph (a)—
- (i) after “regulation 6” insert “or a booking in accordance with regulation 3J”;
- (ii) after “that testing package” insert “or booking”;
- (iii) after “the date of the” insert “test or”;

- (b) in each of sub-paragraphs (b) and (c), after “a testing package” insert “or booking”.

Amendment of Schedule 8 (mandatory testing after arrival in England)

16.—(1) Schedule 8 is amended as follows

- (2) In sub-paragraph (1)(d)(ii) of paragraph 1, for “7, 10 and 11” substitute “7, 7B, 10, 11 and 11A”.
- (3) In paragraph 3(2A), omit “or Form D”.
- (4) After paragraph 7 insert—

“Day 2 tests: general requirements for lateral flow device tests

7A.—(1) For the purposes of regulation 3J(10)(a)(ii), a day 2 test complies with this paragraph where—

- (a) it is a test provided by a public provider; or
- (b) it is a test provided by a private provider where—
- (i) the test complies with sub-paragraph (2); and
- (ii) the private provider complies with paragraph 7B.
- (2) A test complies with this sub-paragraph where—
- (a) it is a test for the detection of coronavirus which uses one or more of—
- (i) mid-turbinate or anterior nares nasal swabbing;
- (ii) tonsillar swabbing;
- (iii) saliva;
- (b) it is uniquely identifiable;
- (c) it is provided in accordance with the test manufacturer’s instructions for use including, in particular, instructions as to the target use, target user and target use settings; and
- (d) any device used for the purposes of the test can be put into service in accordance with Part 4 of the Medical Devices Regulations 2002(4), other than solely by virtue of regulation 39(2) of those Regulations.

Day 2 tests: private provider requirements for lateral flow device tests

7B.—(1) For the purposes of paragraph 7A(1)(b)(ii), a private provider complies with this paragraph where—

- (a) they comply with the requirements of paragraph 3(1)(a) and (d) to (h) of Schedule 10 (including, in relation to paragraph 3(1)(d), the requirements of paragraph 3(3A) of that Schedule) as if in those provisions—
- (i) any reference to an appropriate test were a reference to a day 2 test;
- (ii) the term “single end-to-end testing service” has the meaning given by sub-paragraph (2) of this paragraph;
- (b) they have made a declaration to the Department of Health and Social Care that they meet the minimum standards for private sector-provided testing published at <https://www.gov.uk/government/publications/minimum-standards-for-private-sector-providers-of-covid-19-testing/day-2-lateral-flow-tests-for-international->

arrivals-minimum-standards-for-providers on 6th January 2022 and the Department has confirmed in writing that it considers the provider meets those standards;

- (c) they continue to meet the minimum standards to which the declaration mentioned in paragraph (b) relates;
- (d) they have provided the Department of Health and Social Care with a list of all organisations that they work with (whether by sub-contract or otherwise) to carry out the testing service, indicating the nature of the service that each organisation is providing, and kept that list updated as appropriate;
- (e) they receive the information required by paragraph 10(3) or (4) (as appropriate), and, if they administer the test to P, they do so no later than the end of the second day after the day on which P arrived in England;
- (f) they ensure that they only accept results from the first use of a device;
- (g) each day, they notify the Secretary of State in writing of—
 - (i) the number of tests they sold on that day,
 - (ii) in relation to each test sold on that day—
 - (aa) the date of the arrival in England of the person in respect of whom the test was sold,
 - (bb) whether it is a polymerase chain reaction or lateral flow device, and
 - (cc) the test reference number given to P in accordance with sub-paragraph (5) of paragraph 10 (required circumstances for undertaking a day 2 test or a day 8 test), and
 - (iii) in relation to each test the purchase of which was cancelled on that day, the information set out in sub-paragraph (ii)(aa) to (cc);
- (h) if they arrange with another person (“X”) for X to carry out any element of the single end-to-end testing service on their behalf, the test provider ensures that X complies with the following so far as relevant to the carrying out of that element—
 - (i) paragraph 3(1)(d) to (h) of Schedule 10 as applied by paragraph (a) of this sub-paragraph;
 - (ii) paragraph (c) to (g) of this sub-paragraph
 - (iii) paragraph 11A(2) and (4).

(2) For the purposes of sub-paragraph (1)(h), “single end-to-end testing service” means a service which comprises any of the following elements where they are part of the service offered by the test provider—

- (a) accepting the booking from the person to be tested;
- (b) providing the test;
- (c) collecting and processing the test once it has been undertaken;
- (d) analysing the test;
- (e) verifying the test result;
- (f) providing notification of the test result.

(3) Where a private provider provides a day 2 LFD test, the Health Protection (Coronavirus, Testing Requirements and Standards) (England) Regulations 2020(5) apply to a private provider as if regulation 6(1)(b) were omitted.”

(5) In paragraph 10—

- (a) after paragraph (a) of sub-paragraph (3) insert—
- “(b) where—
- (i) P’s day 2 test is a day 2 LFD test, and
- (ii) the test has not been administered—
- (aa) by the test provider, or
- (bb) at a site operated for the purpose of administering such tests by or on behalf of the test provider,
- P provides the test provider with the information set out in paragraph (3C) within 15 minutes of the test’s read time as determined by the manufacturer’s instructions for use.”;
- (b) after sub-paragraph (3B) insert—
- “(3C) The information to be provided where a day 2 LFD test is undertaken in the circumstances described in sub-paragraph (3)(b) is—
- (a) a single photograph clearly showing—
- (i) the test device in such a way that it is identifiable as having been provided by the test provider,
- (ii) the test reference number given in accordance with paragraph 10(5) of Schedule 8, and
- (iii) the test result, and
- (b) the address at which P is able to receive a confirmatory test pursuant to regulation 3K(8A).”;
- (c) in the words before paragraph (a) of sub-paragraph (4), for “(3)” substitute “(3B) and (3C)”.
- (6) In paragraph 11—
- (a) in sub-paragraph (1), after “a test” insert “, other than a day 2 LFD test,”.
- (b) in sub-paragraph (3), omit the words from “Form D” to the end.
- (7) After paragraph 11 insert—

“Notification of test results: lateral flow device tests

11A.—(1) This paragraph applies to a private provider who administers or provides a day 2 LFD test to P in the circumstances described in paragraph 10.

- (2) The private provider must, within 24 hours of the relevant event—
- (a) notify P or, where paragraph 10(4) applies, Y by email, letter, or text message, of the result of P’s test; or
- (b) make P’s test result available to P, or where paragraph 10(4) applies, to Y via a secure web portal,

in accordance with sub-paragraph (4).

- (3) In sub-paragraph (2), “relevant event” means—
- (a) where the test provider administered the test, the time at which the test provider determined the results of the test;
- (b) where the test provider did not administer the test, the time at which the test provider received the information required to be provided by paragraph 10(3)(b).

(4) The notification of P’s test result must include P’s name, date of birth, passport number, or travel document reference number (as appropriate), the name and contact details of the test provider and P’s test reference number, and must be conveyed using one of the following forms of words, as appropriate—

Form A: negative lateral flow test result

Your COVID-19 test result is negative. You did not have the virus when the test was done.

You are not required to self-isolate.

You should self-isolate again if you get symptoms of COVID-19 – get an NHS COVID-19 test from www.gov.uk/get-coronavirus-test and self-isolate until you get the results.

For advice on when you might need to self-isolate and what to do, go to www.nhs.uk/conditions/coronavirus-covid-19 and read ‘Self-isolation and treating symptoms’.

Form B: positive LFD test result

Your coronavirus test result is positive. This means that you probably have the virus.

Even if you have not had symptoms of coronavirus, you must now self-isolate for 10 days from the day after your test date.

You must obtain, take and return a free follow up polymerase chain reaction (PCR) test from NHS Test and Trace to confirm this. You can obtain your confirmatory PCR test by visiting gov.uk/get-coronavirus-test or by calling 119. This test will be free of charge and will be sent to you as a home test kit. You must take this test in accordance with this notice. If this confirmatory test is negative, you no longer need to self-isolate.

You may be contacted for contact tracing and to check that you, and those who you live or are travelling with, are self-isolating.

You must not travel, including to leave the UK, during self-isolation.

Contact 111 if you need medical help. In an emergency dial 999.

Form C: unclear LFD test result

Your coronavirus test result is unclear. It is not possible to say if you had the virus when the test was done.

You must self-isolate for 10 days from the day after your test date.

You may choose to take another test, and if comes back with a negative result, you no longer need to self-isolate. You may be contacted to check that you are self-isolating.”.

Amendment of Schedule 12 (information for passengers)

17.—(1) Schedule 12 is amended as follows.

(2) For Part 1 substitute—

“PART 1

Essential information to enter England from overseas

All persons arriving in the UK must fill in a Passenger Locator Form up to 48 hours before arrival. You must declare all countries you have visited in the 10 days before arrival.

Before departure check if any of the countries you have visited are on the red list.

If you have visited a country on the red list you must book a managed quarantine hotel.

You can only enter if you are a British or Irish National, or you have residence rights in the UK. You must enter through a designated port of arrival.

If you have not visited any countries on the red list, check if you qualify as fully vaccinated.

If you qualify as fully vaccinated you must book a test to take on or before day 2.

If you do not qualify as fully vaccinated you must:

- provide proof of a negative COVID-19 test taken within 2 days of departure to the UK,
- make plans to quarantine in private accommodation for 10 full days after arrival (or full duration of stay if less than 10 days), and
- book tests to take on day 2 and day 8 of quarantine.

These measures apply to all persons (including UK nationals and residents) arriving in the UK from outside the Common Travel Area comprising the United Kingdom, Ireland, the Isle of Man, and the Channel Islands. The British Overseas Territories are not in the Common Travel Area. Public health requirements may vary depending upon which nation of the UK you are staying in.

England: <https://www.gov.uk/uk-border-control>

Northern Ireland: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-international-travel-advice>

Scotland: <https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine>

Wales: <https://gov.wales/arriving-wales-overseas>

Failure to comply with these measures is a criminal offence and you could be fined. There are a limited set of exemptions from these measures. You may be fined if you fraudulently claim an exemption.”.

(3) In Part 2—

- (a) in the second unnumbered paragraph (which begins “If you are fully vaccinated”)—
 - (i) omit “PCR”;
 - (ii) omit “You must self-isolate on arrival and may only leave self-isolation if the result of the test is negative.”;
- (b) in the third unnumbered paragraph, for “Unvaccinated passengers” substitute “If you are not fully vaccinated or do not meet the eligibility criteria, you”;
- (c) in the fourth unnumbered paragraph (which begins “If you have been”)—
 - (i) omit “or transited through”;
 - (ii) for the words from “the first” to the end substitute “10 days”.

(4) In paragraph 1 of Part 3—

- (a) after the opening words insert the following entries—
 - “<https://www.gov.uk/guidance/red-list-of-countries-and-territories>
 - <https://www.gov.uk/guidance/travel-to-england-from-another-country-during-coronavirus-covid-19#check-if-you-qualify-as-fully-vaccinated>
 - <https://www.gov.uk/guidance/how-to-quarantine-when-you-arrive-in-england>
 - <https://www.gov.uk/find-travel-test-provider>”;
- (b) in the list, omit the following entries—
 - (i) “<https://www.gov.uk/government/publications/coronavirus-covid-19-travellers-exempt-from-uk-border-rules/coronavirus-covid-19-travellers-exempt-from-uk-border-rules>”;

- (ii) “<http://www.gov.uk/travel-quarantine-and-testing>”;
- (iii) “<https://www.gov.uk/guidance/red-amber-and-green-list-rules-for-entering-england>”.

Amendment of Schedule 14 (amount of fixed penalties)

- 18.**—(1) Schedule 14 is amended as follows.
- (2) In paragraph 5 (regulation 19(1)(c))—
- (a) in sub-paragraph (d), after “(7), or (8)” insert “, 3K(8A)”;
 - (b) in sub-paragraph (e), after “(7), or (8)” insert “, 3K(8A)”.
- (3) In paragraph 8, omit “regulation 3K(1), except where regulation 3K(6), (7) or (8) applies to a person,”.
- (4) In paragraph 16B (regulation 19(13B)(a)), after “18A(1)” insert “, (1A)”.

Amendment of the Health Protection (Notification) Regulations 2010

- 19.**—(1) The Health Protection (Notification) Regulations 2010(6) are amended as follows.
- (2) In paragraph (1)(b) of regulation 4, after “SARS-CoV-2” insert “, other than a test in relation to which regulation 4B (duty to report the results of LFD tests undertaken by eligible travellers) applies,”.
- (3) In paragraph (1) of regulation 4A, after “SARS-CoV-2” insert “, other than a test in relation to which regulation 4B (duty to report the results of LFD tests undertaken by eligible travellers) applies,”.
- (4) After regulation 4A insert—

“Duty to notify the United Kingdom Health Security Agency of the results of lateral flow device tests undertaken by eligible travellers

4B.—(1) This regulation applies where a test provider administers or provides a test for the detection of SARS-CoV-2 in accordance with regulation 3J(10)(a)(ii) (lateral flow device tests for eligible travellers) of the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 (“the International Travel and Operator Liability Regulations”).

(2) The test provider must notify the United Kingdom Health Security Agency of the result of the test in accordance with paragraphs (3) to (5).

(3) A notification must be provided in writing—

(a) where the test was administered—

(i) by the test provider, or

(ii) at a site operated for the purpose of administering such tests by or on behalf of the test provider,

within 24 hours of the result being determined;

(b) where the test was administered other than in accordance with sub-paragraph (a), within 24 hours of receiving the information provided pursuant to paragraph 10(3) (b) of Schedule 8 to the International Travel and Operator Liability Regulations.

(6) S.I. 2010/659, which has been amended by S.I. 2010/954, 2013/235, 2018/387, 2020/237, 674, 1175, 2021/150, 223, 442, 582, 914, 923, 966 and 974.

(4) A notification must include the following information, insofar as it is known to the test provider—

- (a) in relation to the person who undertook the test (“P”), their—
 - (i) full name;
 - (ii) sex;
 - (iii) date of birth;
 - (iv) NHS number;
 - (v) ethnicity;
 - (vi) home address (including postcode);
 - (vii) the address provided to the test provider as the place where P is able to receive a confirmatory test;
 - (viii) telephone number and email address, where the test result is positive or indeterminate;
- (b) whether or not P has received a vaccine against SARS-CoV-2;
- (c) P’s passport number or travel document number (as appropriate);
- (d) the coach number, flight number, or vessel name of the conveyance on which P arrived in England;
- (e) the test reference number given to P in accordance with paragraph 10(5) of Schedule 8 to the International Travel and Operator Liability Regulations;
- (f) the country or territory P was travelling from when P arrived in England, and any country or territory they transited through as part of that journey;
- (g) the date on which P undertook the test;
- (h) confirmation that the test complies, and was undertaken in accordance, with the requirements applicable under the International Travel and Operator Liability Regulations;
- (i) confirmation that the test is a lateral flow device test undertaken by an eligible traveller within the meaning of the International Travel and Operator Liability Regulations;
- (j) where the test provider did not administer the test, the date and time that the test provider received the information required to be provided by paragraph 10(3C) of Schedule 8 to the International Travel and Operator Liability Regulations;
- (k) the following information about the test—
 - (i) the name of the test provider and a description of its operations;
 - (ii) the specimen number;
 - (iii) the specimen type;
 - (iv) the specimen date;
 - (v) the test method;
 - (vi) the result;
 - (vii) the date on which the test was carried out;
 - (viii) the name of the testing equipment manufacturer.

(5) Where P is a child, or a person with a disability who is unable for that reason to provide the information set out in paragraph (4)(a) to the test provider, the test provider must provide the United Kingdom Health Security Agency with, insofar as it is known to the test provider—

- (a) the information set out in paragraph (4)(a)(i) to (vii) in relation to P, having obtained it from an appropriate parent, guardian or carer of P (“X”); and
 - (b) where the test result is positive or indeterminate, X’s telephone number and email address.
- (6) It is an offence for a test provider to fail without reasonable excuse to comply with this regulation.
- (7) A test provider that commits an offence under this regulation is liable on summary conviction to a fine.
- (8) In this regulation, “carer”, “child”, “disability”, “guardian”, and “parent” have the meanings given in regulation 4.”.
- (5) In paragraph (1)(a) of regulation 7 (electronic communications), for “4ZB and 4A(3)” substitute “4ZB, 4A(3) and 4B(2)”.

Transitional and saving provision

20. Where—

- (a) a private provider has made a declaration for the purposes of paragraph 7B(1)(b) of Schedule 8 to the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 as that paragraph had effect at the time the declaration was made,
- (b) the Department of Health and Social Care confirmed in writing that it considers the provider met the minimum standards for private sector-provided testing that applied at the time the declaration was made, and
- (c) the private provider continues to meet the minimum standards to which the declaration relates,

the private provider is to be treated as complying with the requirements of paragraph 7B(1)(b) and (c) of Schedule 8 as inserted by regulation 16(4) of these Regulations.

Edward Agar
Minister of State

Department of Health and Social Care

At 10.50 a.m. on 6th January 2022

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 and Operator Liability) (England) Regulations 2021 (S.I. 2021/582) (“the International Travel Regulations”).

Regulations 3, 7, 8 (in part), 12, 13, 14 (in part), 16 (in part) and 18 (in part) amend various provisions of the International Travel Regulations to reintroduce LFD testing as an option for day 2 tests for eligible travellers who arrive in England. Eligible travellers who receive a positive result from an LFD test are required to take a confirmatory PCR test

Regulation 5 amends regulation 3ZA of the International Travel Regulations to add eligible travellers to the list of persons excluded from the requirement to possess notification of a negative test result on their arrival in England.

Regulation 6 amends regulation 3A of the International Travel Regulations to add a number of entries for the purposes of the definition of “relevant country”, and to add a vaccine to the list of authorised vaccines.

Regulation 8 (in part) amends regulation 3K of the International Travel Regulations to remove the requirement for eligible travellers to self-isolate on their arrival in England pending notification of the result of a day 2 test.

Regulation 16 (in part) amends Schedule 8 of the International Travel Regulations to omit one of the forms of notification to be provided to a person who has undertaken a mandatory test after arrival in England.

Regulation 17 amends Schedule 12 of the International Travel Regulations to update the information which operators are required to provide to passengers.

Regulation 19 amends the Health Protection (Notification) Regulations 2010 (S.I. 2010/659) (“the Notification Regulations”) to re-insert regulation 4B, which imposes an obligation to notify the United Kingdom Health Security Agency of certain information in relation to LFD tests. Regulation 19 also makes further minor and consequential amendments to the Notification Regulations.

These Regulations make further minor and consequential amendment to the International Travel Regulations, including to correct errors.

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