

## EXPLANATORY MEMORANDUM TO

### THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL) (ENGLAND) (AMENDMENT) (NO. 15) REGULATIONS 2020

2020 No. 1039

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

#### 2. Purpose of the instrument

- 2.1 The instrument amends the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (S.I. 2020/568) (“the International Travel Regulations”) to remove Curaçao, Denmark, Iceland and Slovakia from the list of exempt countries and territories from which passengers arriving in England are not required to self-isolate.
- 2.2 The instrument also makes amendments to the International Travel Regulations following the fourth statutory review which was completed on 21st September 2020, namely amendments to exemptions from the requirement to self-isolate under Schedule 2 and amendments to the list of specified competitions in Schedule 3.
- 2.3 The amendments to Schedule 2: i) create a new exemption for people undertaking activities necessary for the participation of the organisation they represent in the 4th National Lottery Licence Competition; ii) create a new exemption for elite sportspersons travelling to the United Kingdom for medical examinations and people accompanying them in order to provide necessary care and support; iii) expand the exemption for people engaged in film and high end TV production so that it also applies to certain advertising production professionals; and iv) amend the exemption for elite sportspersons so that it applies to domestic elite sportspersons who have been to non-exempt countries or territories for the purposes of training and multinational ancillary sportspersons.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 The Department regrets that the instrument breaches the rule that statutory instruments subject to the negative procedure should normally be laid 21 days before the instrument comes into force. Having reviewed the latest assessment of public health risk presented by arrivals to England, the Government is acting promptly to re-impose the self-isolation requirement on passengers arriving from Curaçao, Denmark, Iceland and Slovakia.
- 3.2 The other amendments arise following the statutory review of the need for the requirements imposed by the International Travel Regulations which was completed on 21st September 2020. These regulations have been laid as quickly as possible

following conclusion of that review so as to ensure that the requirements of the International Travel Regulations remain appropriate and proportionate.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

3.3 The entire instrument applies to England only.

**4. Extent and Territorial Application**

4.1 The territorial extent of the instrument is England and Wales.

4.2 The territorial application of the instrument is England.

**5. European Convention on Human Rights**

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**6. Legislative Context**

6.1 The legislative context is set out in paragraphs 6.1 to 6.5 of the Explanatory Memorandum to the International Travel Regulations, available online at [https://www.legislation.gov.uk/ukxi/2020/568/pdfs/ukxiem\\_20200568\\_en.pdf](https://www.legislation.gov.uk/ukxi/2020/568/pdfs/ukxiem_20200568_en.pdf). In summary, the Public Health (Control of Disease) Act 1984 (“the 1984 Act”) and regulations made under it provide a legislative framework for health protection in England and Wales. Section 45B(1) of the 1984 Act enables the appropriate Minister (defined in section 45T as, for England, the Secretary of State) to make regulations for preventing danger to public health from vessels, aircraft, trains or other conveyances arriving at any place.

6.2 On 3rd June 2020, the Secretary of State for Health and Social Care made the International Travel Regulations under sections 45B, 45F(2) and 45P(2) of the 1984 Act. The International Travel Regulations came into force on 8th June 2020 and introduced a self-isolation requirement for people arriving into England from outside the common travel area. This was implemented urgently to reduce the likelihood that an increase in COVID-19 infections would arise as a result of imported cases.

6.3 The International Travel Regulations were amended by the Health Protection (Coronavirus, International Travel and Public Health Information) (England) (Amendment) Regulations 2020 (S.I. 2020/691). With effect from 10th July 2020, these amendments exempt passengers arriving in England from the requirement to self-isolate where, during the 14 days preceding their arrival, they have only been in “exempt countries and territories” which are listed in Schedule A1. Passengers who have been in or transited through a non-exempt country or territory must self-isolate until 14 days have elapsed since the day after they last left a non-exempt country or territory. Further amendments have been made to (i) amend the definitions of “exempt country or territory” and “non-exempt country or territory” to allow the Government to take a regional approach to removals and additions to the list of exempt countries and territories (see S.I. 2020/959), and (ii) add or remove countries and territories from Schedule A1 as appropriate (see S.I. 2020/724, 799, 805, 819, 841, 866, 890, 913, 959, 980 and 1013).

## **7. Policy background**

### *What is being done and why?*

- 7.1 The International Travel Regulations were made on an urgent basis in order to reduce the likelihood that an increase in COVID-19 infections would arise as a result of imported cases. Passengers who have only been in exempt countries and territories are considered to present an acceptable level of risk, from a public health perspective, to enter England without being required to self-isolate on arrival.
- 7.2 The Joint Biosecurity Centre, together with Public Health England, have updated their public health assessments based on the latest data. Having reviewed the latest assessments, the Government has decided to remove Curaçao, Denmark, Iceland and Slovakia from the list of exempt countries and territories. These amendments will not affect passengers who arrive in England before 4.00 a.m. on 26th September 2020.
- 7.3 A new exemption from the requirement to self-isolate has been created for people undertaking activities necessary for the participation of the organisation they represent in the 4th National Lottery Licence Competition. The exemption applies only while they are carrying out those activities or travelling to do so. The current National Lottery licence expires in 2023. There is a risk to the strength of the competition, which is considered important to the United Kingdom's economy, if the ability of international organisations to participate in the competition is negatively affected by the requirement to self-isolate.
- 7.4 A new exemption from the requirement to self-isolate has been created for elite sportspersons travelling to the United Kingdom for medical examinations and people accompanying them to provide necessary care and support. This is to enable elite sportspersons to undergo the necessary examinations that must be completed before they can be signed by a professional sporting body or club.
- 7.5 The existing exemption for elite sportspersons gives rise to some inadvertent differences in treatment between domestic sportspersons and international sportspersons, and also between the ancillary sportspersons that support them. The exemption has been amended to address those differences by allowing domestic sportspersons who return from overseas training to be exempt from the requirement to self-isolate and to ensure that ancillary sportspersons who support elite sportspersons both in England and internationally are exempt from the requirement.
- 7.6 The exemption for people engaged in film and high end TV production has been expanded so that it also applies to certain advertising production professionals. This is considered necessary to facilitate the production of audiovisual advertising which is of significant economic importance to the United Kingdom.
- 7.7 Amendments to the list of specified competitions in Schedule 3, which applies for the purposes of the exemption for elite sportspersons at paragraph 39 of Schedule 2, have been made to remove sporting events which have already taken place and to add sporting events which will take place before the International Travel Regulations expire.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

9.1 There are no plans to consolidate the International Travel Regulations.

## **10. Consultation outcome**

10.1 There has been no public consultation in relation to this instrument.

## **11. Guidance**

11.1 Guidance for the public and affected sectors has been published and can be found at:  
<https://www.gov.uk/government/publications/coronavirus-covid-19-how-to-self-isolate-when-you-travel-to-the-uk/coronavirus-covid-19-how-to-self-isolate-when-you-travel-to-the-uk>.

## **12. Impact**

12.1 An Impact Assessment has not been prepared for the instrument because the International Travel Regulations, which it amends, make urgent and temporary provision as part of the Government's response to COVID-19.

12.2 The amendments made by the instrument to the list of exempt countries and territories will have an impact on travellers arriving from countries/territories removed from the list but that impact is set against the role that self-isolation measures play in reducing the spread of COVID-19.

## **13. Regulating small business**

13.1 The International Travel Regulations apply to passengers travelling in the course of activities undertaken for small businesses, unless they are within any of the exceptions in Schedule 2 to those Regulations.

13.2 That Schedule includes a number of exceptions for particular categories of occupation. In addition, paragraph 37 provides an exception for employed or self-employed persons who reside in the United Kingdom but work abroad or vice versa, where they travel in or out of the United Kingdom at least once a week.

## **14. Monitoring & review**

14.1 The International Travel Regulations include a statutory review provision requiring them to be reviewed by 27th July 2020, and at least every 28 days thereafter. Those review provisions are unaffected by the amending instrument.

14.2 The International Travel Regulations cease to have effect at the end of the period of twelve months beginning on the day on which they came into force (8th June 2020).

14.3 Monitoring of the legislation will be informed by regular scientific advice on the domestic incidence and prevalence of coronavirus, relative to the incidence, prevalence, and trajectory of coronavirus in countries and territories overseas. This will contribute to ascertaining whether the International Travel Regulations are having a material or a marginal impact on the incidence of coronavirus in the United Kingdom, and whether the exemptions made by the instrument remain sufficiently safe.

**15. Contact**

- 15.1 Elizabeth O'Donoghue at the Department for Transport, email: Elizabeth.O'Donoghue@dft.gov.uk telephone: 07917 092917, can be contacted with any queries regarding the instrument.
- 15.2 Sarah Nacey, Deputy Director at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Rt Hon Grant Shapps MP, Secretary of State for Transport, can confirm that this Explanatory Memorandum meets the required standard.