

**EXPLANATORY MEMORANDUM TO**  
**THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL)**  
**(ENGLAND) (AMENDMENT) (NO. 23) REGULATIONS**

**2020 No. 1238**

**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 exemptions from the requirement to self-isolate, and to complete a passenger locator form, for people who, during the 14 days preceding their arrival in England, departed from or transited through Denmark, and to extend the requirement to self-isolate to people residing at the same address as such people during their period of self-isolation.

**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, and copies provided to the Committee, 21 days before the instrument comes into force. In the particular circumstances of this case, the Government considers it necessary to act with urgency and to bring the provisions relating to Denmark into force at 4.00 a.m. on 7th November 2020, before the instrument is laid before Parliament. The instrument will be laid at the earliest possible opportunity.

*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)*

- 3.2 The entire instrument applies to England only.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this 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 or 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, 1013, 1039, 1076, 1094, 1129, 1161, 1190 and 1227). S.I. 2020/1227 removed Denmark from Schedule A1 with effect from 4am on 6 November 2020.

## 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 International Travel Regulations were amended by the Health Protection (Coronavirus, International Travel and Public Health Information) (England) (Amendment) (No. 22) Regulations 2020 (S.I. 2020/1227) to remove Denmark from the list of exempt countries or territories. This was on the basis that the health authorities in Denmark have reported widespread outbreaks of COVID-19 in mink farms, with subsequent spread of a mink-variant virus to the local community. The Chief Medical Officer therefore recommended that, as a precautionary measure, all those arriving or returning from Denmark should self-isolate for 14 days to reduce the

risk of wider spread in the event that they are infected with the virus carrying these mutations.

7.3 As a further precaution, the Government is removing exemptions set out in the International Travel Regulations that would allow a person otherwise caught by the Regulations to avoid self-isolation, or to fill out a passenger locator form, and to extend the requirement to self-isolate to members of that person's household.

7.4 The amendments only affect persons arriving in England from Denmark at or after 4.00am on 7th November 2020, and members of their household.

## **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 this 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 this instrument will have an impact on affected passengers, their households and businesses but that impact is set against the role 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

## **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 this 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 remain sufficiently safe.

**15. Contact**

- 15.1 Hannah Thomas at the Department for Transport, email: [Hannah.Thomas@dft.gov.uk](mailto:Hannah.Thomas@dft.gov.uk) telephone: 07977 409507, can be contacted with any queries regarding the instrument.
- 15.2 Lola Fadina, Deputy Director for the policy area 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.