

EXPLANATORY MEMORANDUM TO
THE HEALTH PROTECTION (CORONAVIRUS, TRAVEL FROM DENMARK)
(ENGLAND) REGULATIONS

2020 No. 1239

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 prohibits aircraft and maritime vessels whose last departure point was in Denmark from landing, or mooring at a port, in England, subject to limited exceptions.

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 instrument into force at 04.00 on 8th 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 Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (S.I. 2020/568) (“the International Travel Regulations”), available at https://www.legislation.gov.uk/ukSI/2020/568/pdfs/ukSIEM_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 This instrument is made under sections 45B, 45F(2) and 45P(2) of the 1984 Act to enable certain public health measures to be taken for the purpose of reducing the public health risks arising from the virus known as severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (“Coronavirus”).

7. Policy background

What is being done and why?

- 7.1 The health authorities in Denmark have reported widespread outbreaks of Coronavirus in mink farms, with subsequent spread of a mink-variant virus to the local community. On the advice of the Chief Medical Officer, the Government, as a precautionary measure, amended the International Travel Regulations to provide that (i) all those arriving or returning from Denmark should self-isolate for 14 days, (ii) exemptions set out in the International Travel Regulations would not apply to those returning from Denmark, and (iii) the requirement to self-isolate would extend to members of that person’s household.
- 7.2 As an additional measure, this instrument prohibits all aircraft and vessels whose last departure point was Denmark from landing, or mooring at a port, in England. The prohibition does not apply to aircraft and vessels which (i) are commercially operated and carry no passengers (i.e. those with unaccompanied freight), or (ii) are operated by or in support of Her Majesty’s Government in the United Kingdom. Exceptions are also provided for where landing or mooring is reasonably necessary to secure the safety of the conveyance or the health and safety of any person aboard it.
- 7.3 The instrument also makes it an offence to contravene the arrival prohibition, punishable on summary conviction by a fine.
- 7.4 The measures only affect journeys that begin at or after 04.00 on 8th November 2020

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 None.

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 not yet been published due to the urgency of the measures introduced by the instrument. Guidance will be published as soon as possible.

12. Impact

- 12.1 An Impact Assessment has not been prepared for this instrument because it makes urgent and temporary provision as part of the Government's response to Coronavirus.
- 12.2 The measures enacted 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 Coronavirus.

13. Regulating small business

- 13.1 The instrument applies to passengers travelling in the course of activities undertaken for small businesses.

14. Monitoring & review

- 14.1 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Rachel Maclean MP, the Parliamentary Under Secretary of State, has made the following statement: "In my view, it is not appropriate to provide for a review of this instrument as it is an urgent, short-term measure that will be kept under constant review and revoked when no longer needed, and it would in any event be considered when the closely linked measures in the International Travel Regulations are next subject to a statutory review."

15. Contact

- 15.1 Hannah Thomas at the Department for Transport, email: Hannah.Thomas@dft.gov.uk telephone: 07977 409507, can be contacted with any queries regarding the instrument.
- 15.2 Mark Aldworth and Cathy Miller, Deputy Directors for the policy area at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Rt Hon Rachel Maclean MP, Under Secretary of State, can confirm that this Explanatory Memorandum meets the required standard.