

EXPLANATORY MEMORANDUM TO
THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL)
(ENGLAND) (AMENDMENT) (NO. 28) REGULATIONS 2020

2020 No. 1424

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 This instrument amends the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (S.I. 2020/568) (“the International Travel Regulations”) to add several exemptions from the requirement to self-isolate to Schedule 2 and amend an existing exemption.
- 2.2 The amendments to Schedule 2 add new exemptions for persons engaged in television production, accredited journalists, senior business directors and performing arts professionals. The exemption for elite sportspersons is amended to add a new exemption for new signings.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The Department regrets that this 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 (“the 21-day rule”). This instrument implements exemptions that were approved by Ministers during November. It was not considered appropriate to introduce further exemptions during the national lockdown restriction period which was ongoing until 2 December. Now that those restrictions have been lifted, the exemptions are being introduced at the first available 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. 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 2nd 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 Exemptions from the requirement to self-isolate are kept under regular review and a number of amendments to Schedule 2 have been made (see S.I. 2020/691, 813, 913, 1039, 1161, 1277, 1292 and 1323).

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 arriving in England who have been in or transited through a non-exempt country, territory or region within the 14 days preceding their arrival are required to self-isolate, subject to the exemptions in Schedule 2.
- 7.2 The addition of a new category of “new domestic elite sportsperson” clarifies the position on new signings to professional sports clubs and allows new signings to enter a club’s “bubble” and be exempt from self-isolation when they are participating in elite competitions or training for them.
- 7.3 There are four new exemptions. The first is for certain workers involved in TV production. This is similar to the film, high-end TV and advertising production exemption, which will enable key workers in these productions to engage in their work without self-isolating,
- 7.4 Second, certain types of performing arts professionals are exempt. Persons seeking to take advantage of this exemption will need to be certified by the Arts Council in line with the guidance referred to in the instrument.
- 7.5 Third, a new exemption has been created for certain business directors who need to undertake specific business activity in the UK which is more likely than not to create new or contribute to the preservation of at least 50 UK workers’ jobs or result in the placing of a contract with a UK based business for the purchase of goods or services with a value of no less than £100 million. The exemption applies only while they are carrying out the specific business activity and at all other times they are required to self-isolate. This step is being taken to facilitate a limited amount of activity which

will create and contribute to the preservation of UK workers' jobs and boost business investment.

- 7.6 Finally, there is a new exemption for accredited journalists that is intended to allow those need to travel in order to report public interest news to be exempt from quarantine. This will protect media freedom and the ability of news publishers to cover issues of note. Journalists will be required to produce appropriate accreditation in order to benefit from the exemption.

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 relevant instruments.

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 but will be published as soon as possible.

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 and these amendments have the effect of removing restrictions on the people affected.

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.

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 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.