

EXPLANATORY MEMORANDUM TO
THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL)
(ENGLAND) (AMENDMENT) (NO. 2) REGULATIONS

2020 No. 724

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport (“the Department”) 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) (“International Travel Regulations”) to remove Serbia from the list of exempt countries or territories from which passengers arriving in England are not required to self-isolate for 14 days on arrival.

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”). In view of the revised assessment of the public health risk presented by arrivals from Serbia the Government has acted promptly to re-impose the self-isolation requirement.

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 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.

- 6.2 Part 2A of the 1984 Act, as inserted by the Health and Social Care Act 2008 (“the 2008 Act”), provides a legal basis to protect the public from threats arising from infectious disease or contamination from chemicals or radiation, and includes powers to impose restrictions or requirements on people, and in relation to things and premises. Overall, the amended 1984 Act sets out a framework for health protection which requires much of the detailed provisions to be delivered through regulations.
- 6.3 Specifically, section 45B of the 1984 Act enables the appropriate Minister (defined in section 45T as the Secretary of State for England, or the Welsh Ministers for Wales) to make regulations for preventing danger to public health from conveyances (or the persons or articles on those conveyances) arriving at any place or for preventing the spread of infection or contamination by conveyances leaving any place. It also provides a power for regulations to give effect to international agreements or arrangements, for example World Health Organisation recommendations.
- 6.4 Section 45P(2) of the 1984 Act provides that the power to make regulations under Part 2A of the 1984 Act includes the power to make different provision for different cases or people or different areas, including to make different provision based on the purpose of the case.
- 6.5 Section 45F of the 1984 Act contains supplementary provision relating to regulations made under section 45B of that Act. Regulations made under section 45B may enable the delivery of the policy objective by: the creation of offences, for a court to order a convicted person to take or pay for remedial action, the execution and enforcement of restrictions and requirements imposed by the regulations, appeals, the levy of charges, compensation, incentive payments, and expenses.
- 6.6 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.
- 6.7 The International Travel Regulations were urgently implemented in order to reduce the likelihood that an increase in COVID-19 infections would arise as a result of imported cases. The Government introduced a self-isolation requirement for people arriving into England from all countries outside of the common travel area. The International Travel Regulations were amended by the Health Protection (Coronavirus, International Travel and Public Health Information) (England) (Amendment) Regulations 2020 (SI 2020/691) to exempt people from the requirement to self-isolate where, during the 14 days preceding their arrival in England, they have only been in “exempt countries or territories” which are listed in Schedule A1.

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. Exempt countries and territories are those which are considered to present an acceptable level of risk from a public health perspective for passengers to enter England and which are listed in the Regulations.
- 7.2 The Joint Biosecurity Centre, together with Public Health England, have updated the public health assessments of Serbia based on the latest data. As a result, the

Government has decided to remove Serbia from the list of countries and territories from which passengers arriving in England are exempted from the need to self-isolate.

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 The impact of coronavirus on businesses, charities or voluntary bodies has been significant. The purpose of the International Travel Regulations is to reduce the domestic incidence of coronavirus.

12.2 The amendments being made by this instrument will impact travellers arriving from Serbia, but that impact is set against the role self-isolation measures play in reducing the spread of COVID-19.

12.3 An Impact Assessment has not been prepared for this instrument because this instrument is an urgent and temporary provision as part of the Government's response to COVID-19.

13. Regulating small business

13.1 The International Travel Regulations apply to all people arriving in England from outside the Common Travel Area and those who have arrived in England from within the Common Travel Area having been outside that Area in the preceding 14 days, including people travelling for commercial reasons for small businesses.

14. Monitoring & review

14.1 The International Travel Regulations include a statutory review clause requiring them to be reviewed by 27th July 2020, and then to be reviewed at least every 28 days thereafter.

14.2 This instrument amends the International Travel Regulations and the expiry and review provisions set out in those regulations will continue to apply. 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 within the United Kingdom.

15. Contact

15.1 Stephen Hand at the Department for Transport, email: Stephen.Hand@dft.gov.uk can be contacted with any queries regarding the instrument.

15.2 Jack Goodwin, Deputy Director for the Policy area, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Grant Shapps at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.