

EXPLANATORY MEMORANDUM TO
THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL)
(ENGLAND) (AMENDMENT) (NO. 7) REGULATIONS

2020 No. 841

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 make changes to the list of exempt countries and territories from which passengers arriving in England are not required to self-isolate on arrival. The instrument removes Andorra, the Bahamas and Belgium from that list and adds Brunei and Malaysia.

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. 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 Andorra, the Bahamas and Belgium and to lift the requirement for passengers arriving from Brunei and Malaysia.
- 3.2 The Government considers that the public health risk posed by arrivals from Andorra, the Bahamas and Belgium necessitates immediate action and so amendments removing those countries from the list of exempt countries and territories will come into effect on 8th August. Whilst the Government is also acting promptly to lift the self-isolation requirement for passengers arriving from Brunei and Malaysia, a slightly later coming into force date (11th August) is required for the amendments removing these countries from the list, for reasons related to operationalisation at the border. A coming into force time of 4.00 a.m. for all amendments is considered preferable for operational reasons.

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/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 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.
- 6.4 Further amendments have been made to remove Serbia from the list of exempt countries and territories with effect from 11th July 2020 (S.I. 2020/724), to remove Spain with effect from 26th July 2020 (S.I. 2020/805), to add Estonia, Latvia, Saint Vincent and the Grenadines, Slovakia and Slovenia with effect from 28th July 2020 (S.I. 2020/799), and to remove Luxembourg with effect from 31st July 2020 (S.I. 2020/819).
- 6.5 The International Travel Regulations were also amended by S.I. 2020/813, with effect from 31st July, to implement the outcome of the second statutory review of those Regulations.

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 Andorra, the Bahamas and Belgium from the list of exempt countries and territories and to add Brunei and Malaysia to that list.

7.3 The amendments removing Andorra, the Bahamas and Belgium from the list do not affect passengers who arrive in England before 4.00 a.m. on 8th August 2020. The amendments adding Brunei and Malaysia to the list do not affect passengers who arrive in England before 4.00 a.m. on 11th August 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 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 to remove Andorra, the Bahamas and Belgium from the list of exempt countries and territories will have an impact on travellers arriving from those countries but that impact is set against the role that self-isolation measures play in reducing the spread of COVID-19.

12.3 The amendments made by this instrument to add Brunei and Malaysia to the list will reduce the impact of the International Travel Regulations on businesses, informed by the latest risk assessments which indicate that it is sufficiently safe to do so.

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 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 by this instrument remain sufficiently safe.

15. Contact

- 15.1 Victoria Judd at the Department for Transport, email: Victoria.Judd@dft.gov.uk telephone: 07825 227731, 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 The Rt Hon Grant Shapps MP, Secretary of State for Transport, can confirm that this Explanatory Memorandum meets the required standard.