

EXPLANATORY MEMORANDUM TO
THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL)
(ENGLAND) (AMENDMENT) (NO. 10) REGULATIONS 2020

2020 No. 890

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: (a) remove Austria, Croatia and Trinidad and Tobago from the list of exempt countries and territories from which passengers arriving in England are not required to self-isolate on arrival; (b) add Portugal to that list; and (c) amend the list of specified competitions, which is relevant to the exemption from the requirement to self-isolate for elite sportspersons. It also revokes another amending instrument, which has not yet come into force (see 3.3 below).

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 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 Austria, Croatia or Trinidad and Tobago.
- 3.2 It has also been necessary to bring the instrument into force before it has been laid before Parliament for the same reason; the Speakers of the Houses have been informed accordingly.
- 3.3 The Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/881), which were due to come into force at 4.00 a.m. on 22nd August and make the same amendments to the International Travel Regulations as the instrument, are revoked by regulation 4. A technical error during the printing of that instrument for signature by the Secretary of State affected its formatting and structure. It has been replaced by the instrument before its coming into force in the interests of legal certainty.

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)

- 3.4 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/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 and territories” 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 add or remove countries and territories from Schedule A1 as appropriate (see S.I. 2020/724, 799, 805, 819, 841 and 866).

6.4 International elite sportspersons, attending specified competitions, are exempt from the requirement to self-isolate on arrival in England by regulation 4(13) of, and paragraph 39 of Schedule 2 to, the International Travel Regulations. The list of competitions can be found in Schedule 3 and has been amended by S.I. 2020/813 and 866.

6.5 Amendments to Schedules A1 and 3 were due to be made by S.I. 2020/881 at 4.00 a.m. on 22nd August 2020. That instrument will be revoked before its coming into force.

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 Austria, Croatia and Trinidad and Tobago from the list of exempt countries and territories and to add Portugal to that list. These amendments will not affect passengers who arrive in England before 04.00 a.m. on 22nd August 2020.
- 7.3 The amendment to the list of specified competitions in Schedule 3 has been made to add a sporting event which will take place before the International Travel Regulations expire (see 14.2 below).

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 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.
- 12.2 The amendment made by the instrument to the list of exempt countries and territories will have an impact on travellers arriving from countries/territories removed from the list but that impact is set against the role that 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, 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 at least every 28 days. Those review provisions are unaffected by the amending instrument. The last review was completed in late July 2020 and consequent amendments were made by S.I. 2020/813.
- 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 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.