

EXPLANATORY MEMORANDUM TO
THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL)
(ENGLAND) (AMENDMENT) (NO. 11) REGULATIONS 2020

2020 No. 913

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 the Czech Republic, Jamaica and Switzerland from the list of exempt countries from which passengers arriving in England are not required to self-isolate on arrival; (b) add Cuba to that list; (c) require all persons arriving in England from outside the common travel area to provide the address or addresses at which they will stay for 14 days following their arrival in the United Kingdom; and (d) following the third statutory review of the International Travel Regulations, amend the exemption for inspectors and surveyors of ships and replace the list of specified competitions, which is relevant to the exemption from the requirement to self-isolate for elite sportspersons.

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 the Czech Republic, Jamaica or Switzerland. Additionally, the instrument has been laid as quickly as possible following a statutory review of the International Travel Regulations to introduce amendments.

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 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/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” 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, 866 and 890).
- 6.4 Regulation 3 of the International Travel Regulations requires persons arriving in England from outside the common travel area to provide certain passenger information on the Passenger Locator Form on their arrival. The passenger information required is set out in Schedule 1 and has been amended by S.I. 2020/691.
- 6.5 Inspectors and surveyors of ships, appointed under section 256 of the Merchant Shipping Act 1995, who have travelled to the United Kingdom in the course of their work are exempt from the requirement to self-isolate. Following an amendment by S.I. 2020/691, such persons are also exempt from the requirement to provide passenger information on the Passenger Locator Form if they meet the conditions set out in paragraph 4G of Schedule 2 to the International Travel Regulations.
- 6.6 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, 866 and 890.
- 6.7 Regulation 11 of the International Travel Regulations imposes a duty on the Secretary of State to review the need for the requirements imposed by those Regulations at least

every 28 days. The frequency of review was amended by S.I. 2020/691, from at least every 21 days to at least every 28 days as part of the first statutory review of the International Travel Regulations. A second statutory review was completed on 27th July 2020 and consequent amendments were made by S.I. 2020/813.

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 the Czech Republic, Jamaica and Switzerland from the list of exempt countries and territories and to add Cuba to that list. These amendments will not affect passengers who arrive in England before 4.00 a.m. on 29th August 2020.
- 7.3 The requirements to self-isolate and to provide passenger information, imposed by the International Travel Regulations, have been kept under constant review with a view to ensuring that disadvantages arising from the requirements can be minimised wherever appropriate and proportionate. A third statutory review of the International Travel Regulations was completed on 24th August 2020 and led to these changes:
- An exemption for inspectors or surveyors of ships appointed under the Merchant Shipping Act 1995 has been broadened so that it also applies to inspectors or surveyors appointed by a relevant British possession. This is to ensure parity of treatment between inspectors or surveyors of ships appointed by the Secretary of State under the Merchant Shipping Act 1995 and those appointed by governments of relevant British possessions.
 - The list of specified competitions in Schedule 3 has been substituted to remove sporting events which have already taken place and to add sporting events which will take place before the International Travel Regulations expire (see 14.2 below).
- 7.4 Several amendments have been made by other instruments to the list of exempt countries and territories in the International Travel Regulations (see 6.3 above). The list remains under constant review and may be subject to change at short notice. People arriving in England from outside the common travel area may provide the passenger information on the Passenger Locator Form up to 48 hours before their arrival. Schedule 1 has been amended so that all people arriving are required to provide the address or addresses at which they will stay during their first 14 full days in the United Kingdom. This change ensures that people who become subject to the requirement to self-isolate due to changes to the list of exempt countries and territories between completion of their Passenger Locator Form and their arrival in England provide all necessary information for monitoring and enforcing the requirement to self-isolate.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 The 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 the 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 amendments 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, and will 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).

14.2 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 Jon Lovesey at the Department for Transport, email: jon.lovesey@dft.gov.uk telephone: 07867 640448, 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.