

## EXPLANATORY MEMORANDUM TO

### THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL AND OPERATOR LIABILITY) (ENGLAND) (AMENDMENT) (NO. 15) REGULATIONS 2021

2021 No. 1155

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Health and Social Care (DHSC) 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 and Operator Liability) (England) Regulations 2021 (S.I. 2021/582) (“the International Travel Regulations”) so that certain additional requirements that would otherwise apply to arrivals from category 2 or category 3 countries do not apply to domestic elite sportspersons if they travel to compete in certain elite sporting events in a category 2 country and travel back directly to their place of self-isolation.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 DHSC 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”), but considers that these amendments to the International Travel Regulations are urgent for the public policy reasons described below.

#### 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 Part 2A of the Public Health (Control of Disease) Act 1984 provides a legislative framework for health protection in England and Wales. Section 45B(1) 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 and preventing the spread of infection or contamination by means of any vessel, aircraft, train or other conveyance leaving any place. Section 45P(2) provides that the power to make regulations includes the power

to make different provision for different cases or areas. Section 45F makes supplementary provision relating to regulations made under section 45B - they may include provisions relating to the conferral of functions, creation of offences, the execution and enforcement of restrictions and requirements imposed by the regulations and the levy of charges.

- 6.2 The Secretary of State made The Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 7) Regulations 2021 on 12 February, which came into force on 15 February. The Health Protection (Coronavirus, International Travel) (England) Regulations 2020 were due to expire on 2 June 2021. They have now been replaced by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 (“the Regulations”) which came into force on 17 May.

## **7. Policy background**

### *What is being done and why?*

- 7.1 Under the International Travel Regulations, all international arrivals must follow red-list rules if they have visited a red-list country in the previous ten days. This policy was implemented to protect public health by ensuring that individuals who have travelled through or from a red-list country are required to quarantine, regardless of whether they have since travelled to a non-red list country, in order to prevent the increased transmission of variants of concern into England.
- 7.2 Consequentially, this policy applies to individuals travelling under the domestic elite sportsperson exemption, meaning that elite sportspersons entering England from non-red list countries, having participated in elite sport in a red-list country within the previous ten days, are treated as a red-list arrival and are required to restart a period of ten-days self-isolation.
- 7.3 This amending instrument makes changes to the International Travel Regulations to allow domestic elite sportspersons who are required to self-isolate by virtue of being in a category 3 country to travel directly to compete in an elite sports events in a category 2 country and to travel back directly to their place of self-isolation without certain additional testing or self-isolation requirements applying on their return. Persons in this group will be required to complete the Passenger Locator Form and to take a possess evidence of a negative pre-departure test.
- 7.4 Separately, the instrument updates the Regulations to remove the requirement for passengers to provide their seat number on the Passenger Locator Form (PLF). This is requirement is no longer necessary due to the fact that contact tracing authorities now rely on vessel manifest information to increase accuracy and removing this requirement reduce the burden on passengers and operators.
- 7.5 This instrument also amends and corrects an error in the drafting of Schedule 4A in order to clarify that all COP26 and COP World Leader Summit participants arriving in England will need to possess notification of a negative Covid test.

### *Explanations*

#### *What did any law do before the changes to be made by this instrument?*

- 7.6 The International Travel Regulations do not prevent domestic elite sportspersons from travelling abroad to participate in elite sports events. Without these changes, domestic

elite sportspersons (the participating players) who had travelled to a non-category 3 country within ten days of returning from a category 3 country would be required to restart ten days of self-isolation on return from a category 2 country.

*Why is it being changed?*

- 7.7 The exemption will allow domestic elite sportspersons to travel directly to and compete in elite sports events during their self-isolation period without certain testing or self-isolation requirements applying when they travel directly back from the category 2 country. The players will be subject to Government [guidance](#)<sup>1</sup> on COVID-19 measure for elite sport, and in addition, the players will be subject to additional protocols and mitigations imposed to minimise public health risk. The players and Leagues involved are required to adhere to a Code of Conduct which sets out the protocols and mitigation measures necessary for the exemptions to apply, including individual accommodation and private transport.

There is a public interest in ensuring that football players benefitting from the exemption are not required to self-isolate for longer than ten days in order that players can fulfil their commitments at a domestic and European level, whilst fulfilling their international commitments in the run up to a World Cup. The associated public health risks are deemed as minimal due to the limited number of individuals eligible to benefit from the exemption, coupled with the stringent health protocols applying to individuals during their time in, as well as travel to, bespoke facilities, monitored under the Code of Conduct.

*What will it now do?*

- 7.8 This amendment will allow domestic elite sportspersons who enter the UK after travelling from a category 3 country to be able to travel directly to a category 2 country during their ten day period of self-isolation and travel directly back to the UK without having to restart their period of self-isolation on return. Domestic elite sportspersons will not be required to book and undertake a further day 2 or day 8 test. They will be subject to additional testing requirements, including daily LFD testing and PCR testing once every four days, through the code of conduct.
- 7.9 Furthermore, these individuals will not be able to benefit from eligible traveller status if their period of self-isolation under the domestic elite sportspersons exemption has not ended. These individuals will be required to self-isolate for the full ten-day period.
- 7.10 Passengers will no longer be required to provide their seat number on the Passenger Locator Form (PLF). This requirement is no longer necessary as contact tracing authorities now rely on vessel manifest information to increase accuracy and removing this requirement reduce burdens on passengers and operators.

## **8. European Union Withdrawal and Future Relationship**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

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<sup>1</sup> The guidance may be found here: <https://www.gov.uk/government/publications/guidance-on-coronavirus-covid-19-measures-for-elite-sport>.

## **9. Consolidation**

9.1 This instrument does not consolidate any legislation and there are no plans to do so at this time.

## **10. Consultation outcome**

10.1 There has been no public consultation in relation to this instrument.

## **11. Guidance**

11.1 Guidance on coronavirus (COVID-19) measures for elite sport can be found at: <https://www.gov.uk/government/publications/guidance-on-coronavirus-covid-19-measures-for-elite-sport/elite-sport-operations>.

## **12. Impact**

12.1 An Impact Assessment has not been prepared for this instrument because it is a temporary measure which is part of the Government's response to COVID-19. As the International Travel Regulations, which this instrument amends, will cease to have effect at the end of 16th May 2022, a Regulatory Impact Assessment would be disproportionate.

## **13. Regulating small business**

13.1 The legislation applies to activities that are undertaken by small businesses.

## **14. Monitoring and review**

14.1 The Secretary of State must review the need for the requirements imposed by the International Travel Regulations, which this instrument amends, at least every 28 days as a result of a statutory review clause.

## **15. Contact**

- 15.1 Jessica Sterling at the Department of Health and Social Care (email: [jessica.sterling@dhsc.gov.uk](mailto:jessica.sterling@dhsc.gov.uk)) can be contacted with any queries regarding the instrument.
- 15.2 Ronnie Haynes, Deputy Director for Managed Quarantine Services at the Department of Health and Social Care, can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Maggie Throup, Parliamentary Under Secretary of State for Vaccines and Public Health at the Department of Health and Social Care, can confirm that this Explanatory Memorandum meets the required standard.