

2021 No. 1339

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 21) Regulations 2021

Made - - - at 2.22 p.m. on 29th November 2021

Laid before Parliament at 5.00 p.m. on 29th November 2021

Coming into force - - at 4.00 a.m. on 30th November 2021

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45B, 45C, 45F(2), 45P(2) and 60A of the Public Health (Control of Disease) Act 1984(a).

In accordance with section 45Q(3) of that Act, the Secretary of State is of the opinion that these Regulations do not contain any provision made by virtue of section 45C(3)(c) of the Act which imposes or enables the imposition of a special restriction or requirement or any other restriction or requirement which has or would have a significant effect on a person's rights.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 21) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 30th November 2021.

(3) These Regulations extend to England and Wales and apply in relation to England only.

Amendments to the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021

2. The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021(b) are amended in accordance with regulations 3 to 11.

Amendment to regulation 2

3. In regulation 2, omit the definition of “day 2 LFD test”(c).

(a) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

(b) S.I. 2021/582, amended by S.I. 2021/589, 670, 682, 731, 766, 795, 865, 914, 923, 966, 974, 1003, 1033, 1066, 1107, 1130, 1155, 1179, 1210, 1213, 1289, 1323 and 1331.

(c) The definition was inserted by S.I. 2021/1179.

Amendment to regulation 3J

4. In regulation 3J(10)(a), omit sub-paragraph (a)(ii) and the “or” which precedes it.

Substitution of regulation 3K

5. For regulation 3K(b) substitute—

“Self-isolation requirements on eligible travellers

3K.—(1) An eligible traveller (“P”) must remain in isolation from others (“self-isolate”) in accordance with this regulation.

(2) Paragraphs (3) to (6), (9) to (12), and (14) of regulation 9 apply to P for the purposes of this regulation.

(3) P must, on their arrival in England, travel directly to the place at which they are to self-isolate, and must then self-isolate until whichever is the earliest of—

- (a) the time at which P is notified in accordance with paragraph 11(2) of Schedule 8 that the result of a day 2 test taken in accordance with regulation 3J is negative;
- (b) where—
 - (i) paragraph (5)(a) applies, the end of the period in paragraph (6),
 - (ii) paragraph (5)(b) applies, the end of the period in paragraph (7), or
 - (iii) paragraph (5)(c) applies, the end of the period in paragraph which applies by virtue of paragraph (8);
- (c) P’s departure from England;
- (d) the end of P’s period of self-isolation, where P, or R where P is a child, is notified under regulation 2A or 2B of the Self-Isolation Regulations;
- (e) the end of the 14th day after P arrived in England.

(4) In paragraph (3)(d), “period of self-isolation” and “R” have the meanings given for the purposes of Part 1 of the Self-Isolation Regulations.

(5) Where P is required by regulation 3J to undertake a day 2 test and—

- (a) P fails to undertake a day 2 test before the end of the permitted period, paragraph (6) applies;
- (b) P or, where P is a child, an adult with responsibility for P (“R”) receives notification that the day 2 test has generated an inconclusive result, paragraph (7) applies;
- (c) P or, where P is a child, R receives notification that the day 2 test has generated a positive result, paragraph (8) applies.

(6) The Self-Isolation Regulations apply to P or, where P is a child, to R, as if—

- (a) they had received notification from a relevant person under regulation 2A(1) of the Self-Isolation Regulations that P has tested positive for coronavirus,
- (b) P’s period of self-isolation ends on the earlier of—
 - (i) the end of the 14th day after the day P arrived in England, or
 - (ii) the time that P is notified of the result of a replacement day 2 test undertaken by P, and
- (c) the requirements at regulation 2A(2)(b) and (3)(b) (notifying the relevant person of persons living in P’s household) were omitted.

(7) The Self-Isolation Regulations apply to P or, where P is a child, to R, as if—

(a) Regulation 3J was inserted by S.I. 2021/1107 and paragraph (10)(a) was substituted by S.I. 2021/1179.
(b) Regulation 3K was inserted by S.I. 2021/1107.

- (a) the notification of the inconclusive result were notification from a relevant person under regulation 2A(1) of the Self-Isolation Regulations that P has tested positive for coronavirus,
 - (b) P's period of self-isolation ends—
 - (i) if P does not undertake a replacement day 2 test, at the end of the 10th day after the day P undertook the day 2 test;
 - (ii) if P undertakes a replacement day 2 test which generates a negative result, on receipt of the negative result;
 - (iii) if P undertakes a replacement day 2 test which generates a positive result, at the end of the 10th day after the day P undertook the replacement day 2 test and
 - (c) the requirements at regulation 2A(2)(b) and (3)(b) (notifying the relevant person of persons living in P's household) were omitted.
- (8) The Self-Isolation Regulations apply to P or, where P is a child, to R, as if the notification of the positive result were notification from a relevant person under regulation 2A(1) of those Regulations that P has tested positive for coronavirus.
- (9) A person who, by virtue of regulation 9(15) (including as that provision applies by virtue of regulation 9(17) to (19)) is not required to comply with regulation 9, is not required to comply with this regulation.
- (10) In this regulation—
- (a) “the permitted period” means the period ending at the end of the second day after the day on which P arrived in England;
 - (b) “replacement day 2 test” has the meaning given in regulation 3J(10)(b).”.

Amendment to regulation 18A

- 6.**—(1) Regulation 18A(a) is amended as follows.
- (2) In paragraph (1), in the opening words, omit “, other than a day 2 LFD test”.
 - (3) Omit paragraph (1A).

Amendment to regulation 18B

- 7.**—(1) Regulation 18B(b) is amended as follows.
- (2) In paragraph (1)—
 - (a) in sub-paragraph (a), omit “, other than in relation to a day 2 LFD test”;
 - (b) omit sub-paragraph (ab).
 - (3) Omit paragraph (2)(b).

Amendment to regulation 19

- 8.**—(1) Regulation 19(c) is amended as follows.
- (2) In paragraph (1)—
 - (a) in sub-paragraph (c), omit “, 3K(4A) (confirmatory UKHSA test)”;
 - (b) in sub-paragraph (f), at the end insert “or 3K(1) except where regulation 3K(6), (7) or (8) applies to P”;

(a) Regulation 18A was inserted by S.I. 2021/966; the words omitted were inserted by S.I. 2021/1179.
 (b) Regulation 18B was inserted by S.I. 2021/966; sub-paragraph (1)(a) was amended by, and sub-paragraph (ab) inserted by S.I. 2021/1179.
 (c) Relevant amendments to regulation 19 were made by S.I. 2021/1179.

- (c) after sub-paragraph (i) insert—
 - “(iza) without reasonable excuse P contravenes a requirement in regulation 2A of the Self-Isolation Regulations as that regulation applies to P by virtue of paragraph 3(2A) of Schedule 8;”.
- (3) In paragraph (4)(b), in the opening words, omit “, 3K(4A)”.
- (4) In paragraph (13B)(a), omit “, (1A)”.

Amendment to Schedule 8

- 9.**—(1) Schedule 8(a) is amended as follows.
- (2) In paragraph 1(1)(d)(ii), for “7, 7B, 10, 11 and 11A” substitute “7, 10 and 11”.
 - (3) In paragraph 3, after sub-paragraph (2) insert—
 - “(2A) Where P has received a notification in the form of Form B or Form D in paragraph 11(3), regulation 2A, apart from paragraphs (2)(a) and (3)(a), of the Self-Isolation Regulations apply to P.”.
 - (4) Omit paragraphs 7A and 7B.
 - (5) In paragraph 10—
 - (a) omit sub-paragraph (3)(b);
 - (b) omit sub-paragraph (3C);
 - (c) in sub-paragraph (4)(a), omit “and (3C)”.
 - (6) In paragraph 11—
 - (a) in sub-paragraph (1), omit “, other than a day 2 LFD test”;
 - (b) in sub-paragraph (3), at the end insert—
 - “Form D: suspected positive result with Omicron variant
 - Your coronavirus test result is positive. You are therefore required to self-isolate for 10 full days after the date on which you first developed symptoms or, if you did not have symptoms, the date on which you took the test.
 - Your positive COVID test has been identified as a suspected Omicron variant.
 - You will be contacted shortly by NHS Test and Trace to obtain details of your household and close contacts, and to confirm your self-isolation period. Your household and close contacts will be required to self-isolate for 10 days, regardless of age and vaccination status.
 - You must not travel, including to leave the UK, during self-isolation.
 - Contact 111 if you need medical help. In an emergency dial 999.”.
 - (7) Omit paragraph 11A.

Amendment to Schedule 12

- 10.**—(1) Schedule 12 is amended as follows.
- (2) In Part 1—
 - (a) in the paragraph headed “Unvaccinated passengers or passengers vaccinated with unauthorised vaccines”, in sub-paragraph 2, after “Book” insert “PCR”;
 - (b) for the paragraph headed “Fully vaccinated passengers who are not red-list passengers” substitute—

(a) Relevant amendments to Schedule 8 were made by S.I. 2021/966 and 2021/1179.

“Fully vaccinated passengers who are not red-list passengers

1. Book a test for day 2 – this must be a PCR test
 2. Complete a passenger locator form
 3. Self-isolate on arrival and until the result of your day 2 test is known. You may only leave self-isolation if the test is negative”.
- (3) In Part 2, for the paragraph starting “Unless exempt” substitute—
- “If you are fully vaccinated or otherwise meet the eligibility criteria, you must take a PCR test on or before day 2 after you arrive. You must self-isolate on arrival and may only leave self-isolation if the result of the test is negative.
- Unvaccinated passengers must self-isolate for 10 days and take a test on day 2 and day 8 after you arrive.”.

Amendment to Schedule 14

- 11.—(1) Schedule 14(a) is amended as follows.
- (2) In paragraph 5—
- (a) in sub-paragraph (d), omit “, 3K(4A)”;
 - (b) in sub-paragraph (e), omit “, 3K(4A)”.
- (3) In paragraph 8—
- (a) in the heading, at the end add “and (iza)”;
 - (b) in the opening words, after “regulation” insert “3K(1), except where regulation 3K(6), (7) or (8) applies to a person, regulation 2A of the Self-Isolation Regulations as that regulation applies to P by virtue of paragraph 3(2A) of Schedule 8, or”.
- (4) In paragraph 16B, in the opening words, omit “, (1A)”.

Amendment of the Health Protection (Notification) Regulations 2010

12. The Health Protection (Notification) Regulations 2010(b) are amended in accordance with regulations 13 to 15.

Amendment of regulation 4ZA

13. In regulation 4ZA(2)(d), at the end insert—
- “(x) where the laboratory is able to identify it, whether there is an S-gene dropout.”

Omission of regulation 4B

14. Omit regulation 4B(c).

Amendment to regulation 7

15. In regulation 7(1)(a)(d), for “4A(3) and 4B(2)” substitute “and 4A(3)”.

(a) Relevant amendments to Schedule 14 were made by S.I. 2021/966 and 2021/1179.
(b) S.I. 2010/659.
(c) Regulation 4B was inserted by S.I. 2021/1179.
(d) Relevant amendments to regulation 7(1)(a) were made by S.I. 2021/1179.

Transitional and saving provision

16. In relation to any person who arrived in England before the coming into force of an amendment made by these Regulations, the Regulations amended apply as if that amendment had not been made.

At 2.22 p.m. on 29th November 2021

Maggie Throup
Parliamentary Under-Secretary of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 (“the International Travel Regulations”) and the Health Protection (Notification) Regulations 2010. They amend the International Travel Regulations to require eligible travellers arriving in England to book and undertake a PCR test to be taken by the second day after they arrive and to self-isolate until they have received a negative result to the test. They also require test providers to notify the United Kingdom Health Security Agency and persons taking tests if they have, or are suspected to have, contracted the variant of coronavirus known as “the Omicron variant”.

An impact assessment has not been produced for this instrument. An explanatory memorandum has been published alongside this instrument at www.legislation.gov.uk.

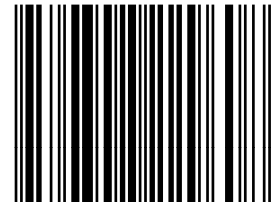
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