

2021 No. 1449

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 25) Regulations 2021

Made - - - at 3.59 p.m. on 15th December 2021

Coming into force at 4.00 p.m. on 15th December 2021

Laid before Parliament 16th December 2021

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

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. 25) Regulations 2021.

(2) These Regulations come into force at 4.00 pm on 15th December 2021.

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

Amendment of the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021

2.—(1) The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021^(b) are amended as follows.

(2) After regulation 3K insert—

“Application of this Part to a person who was required to be in isolation in accordance with Schedule 11 immediately before 4.00 pm on 15th December 2021 and who meets the conditions in any of regulations 3C to 3H

3L.—(1) Where a person is a relevant passenger they—

- (a) are not required to comply with any of the additional requirements in Schedule 11 on or after the relevant day;
- (b) are to be treated as an eligible traveller for the purposes of this Part, and regulations 3J and 3K apply to them with the modifications specified in paragraph (2).

^(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, 1331, 1339, 1367, 1371 and 1434.

(2) The modifications mentioned in paragraph (1)(b) are—

- (a) any reference to an eligible traveller, or “P”, is to be read as a reference to the relevant passenger;
- (b) the relevant address is to be treated as the address specified in the relevant passenger’s Passenger Locator Form as required by regulation 3 and paragraph 2(a) of Schedule 6;
- (c) where the relevant passenger had a booking for a day 2 test as part of a testing package (within the meaning of regulation 6) immediately before the relevant day, that booking is to be treated, for the purposes of regulation 3J, as if it had been made in accordance with that regulation;
- (d) where the relevant passenger had undertaken a day 2 test before the relevant day in accordance with regulation 6, they are to be treated, for the purposes of regulations 3J and 3K, as if they had undertaken a day 2 test in accordance with regulation 3J;
- (e) where the relevant passenger had undertaken a relevant replacement test before the relevant day in accordance with regulation 6(8), they are to be treated, for the purposes of regulations 3J and 3K, as if they had undertaken a day 2 test in accordance with regulation 3J;
- (f) where the relevant passenger is notified before the relevant day in accordance with paragraph 11(2) of Schedule 8 that the result of a day 2 test, or a relevant replacement test, undertaken by them before the relevant day is negative, the relevant passenger is not required to comply with regulation 3K;
- (g) where the relevant passenger is notified before the relevant day in accordance with paragraph 11(2) of Schedule 8 that the result of a day 2 test, or a relevant replacement test, undertaken by them before the relevant day is inconclusive (the “existing notification”), the existing notification is to be treated as a notification to which paragraph (5)(b) of regulation 3K applies.

(3) For the purposes of this regulation, a person (“P”) is a relevant passenger if—

- (a) P meets the conditions of any of regulations 3C to 3H,
- (b) immediately before the relevant day, P was required to be in isolation in accordance with any of the requirements in Schedule 11, and
- (c) P had not before the relevant day been notified that the result of any test undertaken by P in accordance with regulation 6 was positive.

(4) In this regulation—

“the relevant address”, in relation to a relevant passenger, means the address at which the relevant passenger is to self-isolate in accordance with regulation 3K, as applied by this regulation, which must be a place described in paragraph (4) of regulation 9;

“the relevant day” means 4.00 pm on 15th December 2021;

“relevant replacement test” means a replacement test (within the meaning of regulation 6) complying with the requirements that applied to the day 2 test that was missed.”.

(3) After regulation 9 insert—

“Application of this Part to a person who was required to be in isolation in accordance with Schedule 11 immediately before 4.00 pm on 15th December 2021 and to whom regulation 3L does not apply

9A.—(1) Where a person is a non-Part 1B passenger they—

- (a) are not required to comply with any of the additional requirements in Schedule 11 on or after the relevant day;
- (b) are to be treated as a person who is required to self-isolate under regulation 9, and regulations 6 and 9 apply to them with the modifications specified in paragraph (2).

- (2) The modifications mentioned in paragraph (1)(b) are—
- (a) any reference to “P” is to be read as a reference to the non-Part 1B passenger;
 - (b) the relevant address is to be treated as the address specified in the relevant passenger’s Passenger Locator Form as required by regulation 3 and paragraph 2(a) of Schedule 6;
 - (c) paragraph (1) of regulation 6 is to be treated as omitted;
 - (d) paragraph (1) of regulation 9 is to be treated as omitted;
 - (e) paragraph (7) of regulation 9 has effect as if in the words before sub-paragraph (a) for “on their arrival in England” there were substituted “on leaving the place where P was required to isolate in accordance with Schedule 11 immediately before the relevant day”.
- (3) For the purposes of this regulation, a person (“P”) is a non-Part 1B passenger if—
- (a) immediately before the relevant day, P was required to be in isolation in accordance with any of the requirements in Schedule 11,
 - (b) neither P nor a relevant person (“RP”) has been notified that the result of any test undertaken by P or RP in accordance with regulation 6 before the relevant day was positive, and
 - (c) P is not a relevant passenger for the purposes of regulation 3L.
- (4) For the purposes of paragraph (3)(b) “relevant person” means a person of a description in paragraph 11(a) or (b) of Schedule 11.
- (5) In this regulation—
- “the relevant address”, in relation to a relevant passenger, means the address at which P is to self-isolate in accordance with regulation 9, as applied by this regulation, which must be a place described in paragraph (4) of that regulation;
 - “the relevant day” means 4.00 pm on 15th December 2021.”.

At 3.59 p.m. on 15th December 2021

Sajid Javid
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 (S.I. 2021/582) (“the International Travel Regulations”) to permit red-list passengers who were required to isolate in accordance with Schedule 11 immediately before 4.00 p.m. on 15th December 2021 to complete their period of self-isolation at a place other than the place specified in their managed isolation package, unless they, or, where they do not meet the conditions in any of regulations 3C to 3H, a close contact of theirs, have tested positive for coronavirus.

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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