

**EXPLANATORY MEMORANDUM TO**  
**THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL)**  
**(ENGLAND) (AMENDMENT) REGULATIONS 2021**

**2021 No. 18**

**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 This instrument amends the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (S.I. 2020/568) (“the International Travel Regulations”) to remove Botswana, Israel, Jerusalem, Mauritius and the Seychelles from the list of exempt countries or territories from which passengers arriving in England are not required to self-isolate on arrival.
- 2.2 In addition, enhanced measures have been implemented for passengers arriving from Angola, Botswana, Eswatini, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, Zambia and Zimbabwe. The instrument amends the International Travel Regulations to: (i) extend the requirement to self-isolate to anyone in the same household as a person who, during the 10 days preceding their arrival in England, has departed from or transited through those countries; (ii) remove exemptions from the requirement to self-isolate for arrivals from those countries and members of their household; (iii) remove exemptions from the requirement to complete a Passenger Locator Form for arrivals from those countries; and (iv) exclude arrivals from those countries, and members of their household, from the “Test to Release” regime.
- 2.3 The instrument also amends the International Travel Regulations following the eighth statutory review which was completed on 8 January 2021, namely to remove the seasonal poultry exemption from the requirement to self-isolate in Schedule 2. Minor updates have also been made to the list of specified competitions at Schedule 3.

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

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

- 3.1 The Department 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”). Having reviewed the latest assessment of public health risk presented by arrivals to England, the Government is acting promptly to reintroduce the self-isolation requirement for passengers arriving from Botswana, Israel, Jerusalem, Mauritius and the Seychelles; and to apply additional measures on those arriving from Angola, Botswana, Eswatini, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, Zambia and Zimbabwe. It is therefore necessary to bring these into force on 9th January 2021.

- 3.2 The other amendment arises following the statutory review of the need for the requirements imposed by the International Travel Regulations, which was completed on 7 January 2021. These regulations have been laid as quickly as possible following conclusion of that review so as to ensure that the requirements of the International Travel Regulations remain appropriate and proportionate.

*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)*

- 3.3 The entire instrument applies to England only.

#### **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 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](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 10 days<sup>1</sup> preceding their arrival, they have only been in “exempt countries or territories” which are listed in Schedule A1. Passengers who have been in or transited through a non-exempt country or territory must self-isolate until 10 days have elapsed since the day after they last left a non-exempt country or territory. Further amendments have been made to (i) amend the definitions of “exempt

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<sup>1</sup> Note that following advice from the Chief Medical Officer the period of 14 days was shortened to 10 days by the Health Protection (Coronavirus, International Travel and Public Health Information) (England) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/1517).

country or territory” and “non-exempt country or territory” to allow the Government to take a regional approach to removals and additions to the list of exempt countries and territories (see S.I. 2020/959), (ii) add or remove countries and territories from Schedule A1 as appropriate, and (iii) add or amend “sectoral” exemptions from the requirements to self-isolate and/or provide information as appropriate (see S.I. 2020/724, 799, 805, 819, 841, 866, 890, 913, 959, 980, 1013, 1039, 1076, 1094 and 1129, 1161, 1190, 1227, 1238, 1277, 1292, 1323, 1337, 1360, 1424, 1517, 1595 and 1644).

- 6.4 The additional measures imposed on arrivals from the countries listed in Schedule B1 were first introduced by the Health Protection (Coronavirus, Travel from South Africa) (England) Regulations 2020<sup>2</sup>.

## **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 Botswana, Israel, Jerusalem, Mauritius and the Seychelles from the list of exempt countries and territories. These amendments will not affect passengers who arrive in England before 4.00 a.m. on 9th January 2021.
- 7.3 The additional measures imposed on arrivals from Angola, Botswana, Eswatini, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, Zambia and Zimbabwe follow the imposition of these measures previously on South Africa by S.I. 1644/2020. The Joint Biosecurity Centre and Public Health England have advised that the new variant of COVID-19 that was first detected in South Africa has been identified in these countries, and that these measures are needed to prevent this strain from reaching England. A full explanation of these measures can be found in the explanatory memorandum to S.I. 1644/2020.
- 7.4 The exemption for seasonal poultry workers has been removed following the end of the festive period. Several events have been added and also removed following their completion from the list of specified competitions at Schedule 3.

## **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 relevant instruments.

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<sup>2</sup> S.I 1644/2020.

## **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 not yet been published due to the urgency of the measures introduced by the instrument. Guidance will be published as soon as possible.

## **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 and these amendments have the effect of removing restrictions on the people affected.

## **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.

## **14. Monitoring & review**

14.1 The International Travel Regulations include a statutory review provision requiring them to be reviewed by 27th July 2020, and at least every 28 days thereafter. Those review provisions are unaffected by the amending instrument.

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 Hannah Thomas at the Department for Transport, email: [Hannah.Thomas@dft.gov.uk](mailto:Hannah.Thomas@dft.gov.uk), telephone: 07977 409507, can be contacted with any queries regarding the instrument.

15.2 Lola Fadina, Deputy Director for the policy area at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Robert Courts MP, Parliamentary Under Secretary of State for Transport, can confirm that this Explanatory Memorandum meets the required standard.