

This Statutory Instrument corrects errors made in S.I. 2021/150 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 223

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, International Travel)
(England) (Amendment) (No. 9) Regulations 2021**

Made - - - - at 2.30 p.m. on 2nd March 2021

Laid before Parliament at 4.00 p.m. on 2nd March 2021

Coming into force in accordance with regulation 1

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) (England) (Amendment) (No. 9) Regulations 2021.

(2) Save as provided in paragraph (3), these Regulations come into force on 3rd March 2021.

(3) Regulation 8(3)(b) comes into force at 4.00 a.m. on 4th March 2021.

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

Amendment to the Health Protection (Coronavirus, International Travel) (England) Regulations 2020

2. The Health Protection (Coronavirus, International Travel) (England) Regulations 2020(b) are amended in accordance with regulations 3 to 9.

Amendment to regulation 3B

3. In regulation 3B(10) (requirement to book and undertake tests)(c), at the end, insert “or a constable”.

Amendments to regulation 4

4.—(1) Regulation 4 (requirement to self-isolate) is amended as follows.

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

(b) S.I. 2020/568; amended by S.I. 2020/691, 724, 799, 805, 813, 819, 841, 866, 890, 913, 959, 980, 1013, 1039, 1070, 1076, 1094, 1129, 1161, 1190, 1227, 1238, 1277, 1292, 1323, 1337, 1360, 1424, 1517, 1595, 2021/18, 25, 38, 47, 49, 68, 98, 137, 150 and 166.

(c) Regulation 3B was inserted by S.I. 2021/150.

(2) In paragraph (3), in sub-paragraph (a)(a), in the opening words, for “(d) or (e)” substitute “(c) or (e)”;

(3) In paragraph (14)(a) omit “or (l)”(b).

Amendment to regulation 4B

5. In regulation 4B(2)(c) (prohibition on arrival of aircraft into England)(c) for “the aircraft is”, on the first occasion it appears, substitute “an aircraft”.

Amendment to regulation 5

6. In regulation 5(2) (enforcement of requirement to self-isolate)(d), for “(1A)(b)” substitute “(1A)”.

Amendments to regulation 7

7. In regulation 7(10)(b) (fixed penalty notices)(e)—

(a) after “an offence described in” insert “regulation”;

(b) after “Schedule B1A),” insert “6(1)(c),”.

Amendments to Schedule B1A

8.—(1) Schedule B1A (additional measures)(f) is amended as follows.

(2) In paragraph 2(2)(a), for “foreign territory represented by the mission”, substitute “foreign country represented by the mission”;

(3) In paragraph 18—

(a) in sub-paragraph (2)(a) after paragraph (vii) insert—

“(viii) an unaccompanied child, where it is not reasonable for a person with responsibility for P to reside with the child in accommodation designated by the Secretary of State for the purposes of this Schedule,”;

(b) at the end insert—

“(3) P is also a relevant person if—

(a) P is, or was on the 1st September 2020, a child;

(b) P travels to the UK for the purposes of receiving education at a boarding school in England at which education and accommodation is due to be provided for P;

(c) P is not accompanied into the UK by an individual who has responsibility for P, or if P is aged 18, would have had such responsibility if P were a child; and

(d) the Secretary of State has confirmed in writing that this paragraph applies in relation to P and has not withdrawn that confirmation.

(4) In this paragraph—

(a) “boarding school” means a school or college, which—

(i) provides accommodation for its pupils or, as the case may be, students on its own premises, or

(ii) arranges accommodation for its pupils or students to be provided elsewhere (other than in connection with a residential trip away from the school);

(a) A relevant amendment to paragraph (3)(a) was made by S.I. 2021/150.

(b) Paragraph (14) was substituted by S.I. 2021/150.

(c) Paragraph (2)(c) was inserted by S.I. 2021/150.

(d) Paragraph (1A) was inserted by, and paragraph (2) was amended by, S.I. 2021/150.

(e) A relevant amendment to paragraph (10)(b) was made by S.I. 2021/150.

(f) Schedule B1A was inserted by S.I. 2021/150.

- (b) “school” means—
 - (i) an alternative provision academy within the meaning of section 1C of the Academies Act 2010(a),
 - (ii) a community, foundation or voluntary school or a community or foundation special school within the meaning of section 20 of the School Standards and Framework Act 1998(b),
 - (iii) an independent school (as defined by section 463 of the Education Act 1996(c)) registered under section 95 of the Education and Skills Act 2008(d),
 - (iv) a non-maintained special school (as defined in section 337A of the Education Act 1996(e)), or
 - (v) a pupil referral unit within the meaning of section 19(2B) of the Education Act 1996(f);
- (c) “college” means—
 - (i) an institution within the further education sector within the meaning of section 91 of the Further and Higher Education Act 1992(g), or
 - (ii) a 16 to 19 Academy within the meaning of section 1B of the Academies Act 2010(h).”.

Amendments to Schedule 2C

- 9.**—(1) Schedule 2C (mandatory testing after arrival in England)(i) is amended as follows.
- (2) For paragraph 6(1)(b)(i) substitute—
- “(i) in respect of—
 - (aa) a non-Schedule B1A arrival, on or after 1st March 2021;
 - (bb) a Schedule B1A arrival, on 1st or 2nd March 2021 or on or after 26th April 2021.”.
- (3) In paragraph 7(1)—
- (a) after paragraph (e) insert—
 - “(ea) each day, they notify the Secretary of State in writing of—
 - (i) the number of tests they sold on that day, and
 - (ii) in relation to each test sold on that day, the date of the arrival in England of the person in respect of whom the test was sold.”;
 - (b) the paragraph which follows paragraph (j) (and which is currently numbered (h)) is renumbered as paragraph (k), and in paragraph (k)(ii) (as so renumbered), for “(i)” substitute “(j)”.
- (4) For paragraph 8(1)(b)(i) substitute—
- “(i) in respect of—

(a) 2010 c. 32; section 1C was inserted by section 53(7) of the Education Act 2011 (c. 21).

(b) 1998 c. 31; section 20 was amended by paragraph 95 of Schedule 21 to the Education Act 2002 (c. 32), paragraph 13 of Schedule 3 to the Education and Inspections Act 2006 (c. 40) and S.I. 2010/1158.

(c) 1996 c. 56; section 463 was substituted by section 172 of the Education Act 2002 and amended so far as relevant by paragraphs 1 and 43 of Schedule 3 to the Children and Families Act 2014 (c. 6) and S.I. 2010/1158.

(d) 2008 c. 25.

(e) 1996 c. 56; section 337A was substituted by section 142(1) of the Education and Skills Act 2008 (c. 25).

(f) Section 19(2B) was amended so far as relevant by section 47 of and Schedule 8 to the Education Act 1997, section 3 of and paragraph 1 of Schedule 3 and Schedule 4 to the Children, Schools and Families Act 2010, section 101 of the Education and Inspections Act 2006, S.I. 2007/1507 and S.I. 2010/1158.

(g) 1992 c. 37; section 91 was amended in so far as relevant by paragraph 42 of Schedule 9 and Schedule 11 to the Learning and Skills Act 2000 (c. 21), paragraph 13 of Schedule 8 to the apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and by paragraphs 23 and 26 of Schedule 8 to the Higher Education and Research Act 2018 (c. 29).

(h) Section 1B was inserted by section 53(7) of the Education Act 2011.

(i) Schedule 2C was inserted by S.I. 2021/150.

- (aa) a non-Schedule B1A arrival, on or after 1st March 2021;
- (bb) a Schedule B1A arrival, on 1st or 2nd March 2021 or on or after 26th April 2021.”.

(5) In paragraph 9(1)—

(a) after paragraph (e) insert—

“(ea) each day, they notify the Secretary of State in writing of—

- (i) the number of tests they sold on that day, and
- (ii) in relation to each test sold on that day, the date of arrival in England of the person in respect of whom the test was sold,”;

(b) in paragraph (f)(ii), for “(e)” substitute “(ea)”.

(6) In paragraph 11(3), in the second paragraph of Form C (unclear test result), for “from the day you took the test” substitute “starting the day after your test date”.

(7) In paragraph 13—

(a) in sub-paragraph (1), at the end insert—

“(d) a person described in paragraph 13(1)(a) or (b) of Schedule 2 where the relevant Department has certified that P meets this description and is not required to comply with regulation 3B;

(e) a person described in paragraph 13A of Schedule 2 where the relevant Department has certified that P is not required to comply with regulation 3B”;

(b) in sub-paragraph (2)—

- (i) in paragraph (a), for “foreign territory represented by the mission”, substitute “foreign country represented by the mission”,
- (ii) in paragraph (b)(ii) for “this Schedule” substitute “regulation 3B”.

Amendments to the Health Protection (Notification) Regulations 2010

10.—(1) The Health Protection Notification Regulations 2010(a) are amended as follows.

(2) In regulation 4ZA (duty to notify results of mandatory tests)(b)—

- (a) in paragraph (1)(c), for “paragraph 6(1)(e)” substitute “paragraph 7(1)(f)”;
- (b) in paragraph (2)(d)(ix), after “sequenced” insert “on or after 15th March 2021”.

23rd September 2020

Bethell
Parliamentary Under Secretary of State
Department for Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (“the International Travel Regulations”).

Regulation 8 amends Schedule B1A so as, primarily, to add the following categories of persons to those in relation to whom the provisions of Schedule B1A are modified:

(a) S.I. 2010/659.

(b) Regulation 4ZA was inserted by S.I. 2021/150.

—unaccompanied children, where it is not reasonable for a person with responsibility for the child to reside with them in accommodation designated by the Secretary of State for the purposes of Schedule B1A; and

—children (and those who were children on the 1st September 2020) who arrive unaccompanied from countries listed in Schedule B1 for the purposes of attending boarding school in England.

Regulation 9 amends Schedule 2C so as, primarily, to extend until 26th April 2021 the point at which private providers can begin to provide tests in relation to arrivals required to obtain a managed self-isolation package. It also introduces a requirement for private providers to notify the Secretary of State of the number of tests they sell each day and the date on which the individual who has purchased the tests will arrive in England.

Other minor corrections are made to the International Travel Regulations.

Regulation 10 amends the Health Protection (Notification) Regulations 2010 to correct an erroneous cross-reference, and to delay the requirement for laboratories to notify technical information about certain samples until 15th March 2021.

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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