
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of these Regulations amends the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (S.I. 2020/568) to introduce a requirement for persons travelling to England from outside the open borders area comprising the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland (the “common travel area” by virtue of section 1(3) of the Immigration Act 1971 (c. 77)) to possess a notification of a negative coronavirus test upon arrival in England or, if travelling on a shuttle service through the Channel Tunnel, upon presenting at immigration control at the Channel Tunnel shuttle terminal area in France.

Part 2 of these Regulations introduces requirements for persons operating commercial transport services (“operators”) for passengers travelling to England from outside the common travel area to ensure that passengers who arrive in England on such services have completed a Passenger Locator Form (regulation 6(1)) and possess notification of a negative test result (regulation 7(1)). Operators operating shuttle services through the Channel Tunnel are required to ensure that passengers have these documents by the time they present at immigration control at the Channel Tunnel shuttle terminal area in France. Breach of the requirements is an offence (regulation 8(1)).

Upon completion of the Passenger Locator Form, passengers receive a unique passenger reference number from the Home Office. An operator who has recorded a unique passenger reference number in the format used by the Home Office will have a defence to the offence in regulation 8(1) (a) (regulation 8(3)). Regulation 9 allows an authorised person to deal with an offence under regulation 8(1) by way of fixed penalty notice. A fixed penalty notice must give details of the particulars of the offence, including the name of the passenger without a completed Passenger Locator Form or notification of a negative test result.

As the provisions made by these Regulations will have effect for a period of less than 12 months, a full Impact Assessment has not been prepared. An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.