

2021 No. 47

PUBLIC HEALTH, ENGLAND

TRANSPORT, ENGLAND

**The Health Protection (Coronavirus, International Travel)
(England) (Amendment) (No. 3) Regulations 2021**

Made - - - - at 00.59 a.m. on 15th January 2021

Coming into force in accordance with regulation 1
Laid at 12.00 p.m. on 15th January 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 and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 3) Regulations 2021.

(2) Subject to paragraphs (3) and (4), these Regulations come into force at 4.00 a.m. on 15th January 2021.

(3) Regulations 2(6)(b) and (9) and 4(b) come into force at 4.00 a.m. on 16th January 2021.

(4) Regulation 2(5) comes into force at 4.00 a.m. on 18th January 2021.

(5) In these Regulations, “the International Travel Regulations” means the Health Protection (Coronavirus, International Travel) (England) Regulations 2020(b).

Amendment of the International Travel Regulations

2.—(1) The International Travel Regulations are amended as follows.

(2) In regulation 4 (requirement to self-isolate)—

(a) in paragraph (14), for “Paragraphs” substitute “Subject to paragraphs (15) and (16), paragraphs”;

(b) after paragraph (14), insert—

“(15) Paragraph (14) does not apply in relation to a person described in paragraph 6 of Schedule 2 who has, at any time during the period beginning with the 10th day before the date of their arrival in England, departed from or transited through a relevant country or territory unless they have also departed from or transited through a country or territory listed in Schedule B1 other than a relevant country or territory during that period.

(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, S.I. 2021/18, 25 and 38.

- (16) For the purposes of paragraph (15), the relevant countries or territories are—
- (a) The Azores;
 - (b) Madeira;
 - (c) Portugal.”.
- (3) After Part 2 (obligations on persons arriving in England and others), insert—

“Part 2A

Prohibition on the arrival of aircraft and vessels into England

Interpretation of Part 2A

4A.—(1) In this Part—

“operator” means—

- (a) in relation to a commercially operated aircraft or vessel, the person who has management control over the aircraft or vessel when it arrives in England;
- (b) in relation to any other aircraft or vessel, the person who has physical control over the aircraft or vessel when it arrives in England;

“passenger” means a person carried in or on an aircraft or vessel other than a member of the aircraft or vessel’s crew;

“port” has the same meaning as in the Merchant Shipping Act 1995^(a).

(2) In the definition of “operator” in paragraph (1) “arrives” means—

- (a) in relation to an aircraft, lands;
- (b) in relation to a vessel, moors at a port.

Prohibition on arrival of aircraft into England

4B.—(1) Subject to paragraph (2), this regulation applies in relation to an aircraft whose last point of departure was in a country or territory listed in paragraph 1 of Schedule B2 (“a relevant aircraft”).

(2) This regulation does not apply in relation to—

- (a) a commercially operated aircraft carrying no passengers;
- (b) an aircraft operated by or in support of Her Majesty’s Government in the United Kingdom.

(3) An operator must not cause or permit a relevant aircraft to land in England unless—

- (a) landing in England is reasonably necessary to secure the safety of the aircraft or the health and safety of any person aboard it;
- (b) the landing is only for the purpose of refuelling, or aircraft maintenance, and no passengers are permitted to board, or disembark from, the aircraft; or
- (c) the aircraft is an air ambulance and landing for the purpose of transporting a person for medical treatment.

Prohibition on arrival of vessels into England

4C.—(1) Subject to paragraph (2), this regulation applies in relation to a vessel whose last point of departure was a port in a country or territory listed in paragraph 2 of Schedule B2 (“a relevant vessel”).

(a) 1995 c. 21. See section 313.

- (2) This regulation does not apply in relation to—
- (a) a commercially operated vessel carrying no passengers;
 - (b) a vessel operated by or in support of Her Majesty’s Government in the United Kingdom.
- (3) An operator must not cause or permit a relevant vessel to moor at a port in England unless mooring at a port in England—
- (a) is reasonably necessary to secure the safety of the vessel or the health and safety of any person aboard it; or
 - (b) is otherwise required pursuant to a direction issued under Schedule 3A to the Merchant Shipping Act 1995.”.
- (4) After regulation 6(3) (offences and penalties), insert—
- “(3A) An operator (within the meaning given in regulation 4A) who contravenes regulation 4B(3) or 4C(3) commits an offence.”.
- (5) In regulation 7 (fixed penalty notices)—
- (a) in paragraph (6)—
 - (i) in sub-paragraph (a), for “£100” substitute “£500”;
 - (ii) in sub-paragraph (b), for “£200” substitute “£1,000”;
 - (iii) in sub-paragraph (c), for “£400” substitute “£2,000”;
 - (iv) for sub-paragraph (d), substitute “in the case of the fourth and subsequent fixed penalty notices issued in respect of an information offence, £4,000.”;
 - (v) omit sub-paragraphs (e) and (f);
 - (b) after paragraph (6A) insert—

“(6B) In determining how many fixed penalty notices a person (“P”) has received in respect of an information offence for the purposes of paragraph (6), no account is to be taken of any such fixed penalty notice issued to P before 4.00 a.m. on 18th January 2021.”.
- (6) In Part 1 of Schedule A1 (exempt countries and territories) omit the entries for—
- (a) “Chile”, “Madeira” and “The Azores”; and
 - (b) “Aruba”, “Qatar” and “Bonaire, Sint Eustatius & Saba”.
- (7) In Schedule B1 (countries and territories subject to additional measures) insert entries for “Argentina”, “Bolivia”, “Brazil”, “Cape Verde”, “Chile”, “Colombia”, “Ecuador”, “French Guiana”, “Guyana”, “Madeira”, “Panama”, “Paraguay”, “Peru”, “Portugal”, “Suriname”, “The Azores”, “Uruguay” and “Venezuela” at the appropriate places.
- (8) After Schedule B1, insert—

“SCHEDULE B2 Regulations 4B and 4C

Prohibition on arrival of aircraft and vessels

1. The countries and territories referred to in regulation 4B(1) (prohibition on arrival of aircraft into England) are—

- Argentina
- The Azores
- Brazil
- Cape Verde
- Chile

Madeira

Portugal

South Africa

2. The countries and territories referred to in regulation 4C(1) (prohibition on arrival of vessels into England) are—

The Azores

Madeira

Portugal”.

(9) In Part 2 of Schedule 2 (persons not required to comply with regulation 4), in paragraph 38—

- (a) in sub-paragraph (1), after “edible horticulture” insert “or ornamental horticulture”;
- (b) in sub-paragraph (2)—
 - (i) after paragraph (b) insert—

“(ba) “ornamental horticulture” means growing spring cut decorative flowers of the genus narcissus for arranging or landscape design.”;
 - (ii) in paragraph (d), at the beginning insert “in relation to edible horticulture.”;
 - (iii) after paragraph (d) insert—

“(e) in relation to ornamental horticulture, “specified activities” means—

 - (i) picking, trimming and binding flowers,
 - (ii) lifting flower bulbs.”.

Amendment of the Health Protection (Coronavirus, Travel from South Africa) (England) Regulations 2020

3. In the Health Protection (Coronavirus, Travel from South Africa) (England) Regulations 2020(a), omit regulation 2.

Transitional and saving provision

4. In relation to any person, or any person residing with such a person, who arrived in England on or after 10th July 2020 but before—

- (a) 4.00 a.m. on 15th January 2021, the International Travel Regulations apply as if the amendments made by regulation 2(2), (6)(a) and (7) had not been made; or
- (b) 4.00 a.m. on 16th January 2021, the International Travel Regulations apply as if the amendments made by regulation 2(6)(b) had not been made.

Signed by authority of the Secretary of State for Transport

Robert Courts
Parliamentary Under Secretary of State
Department for Transport

At 00.59 a.m. on 15th January 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (S.I. 2020/568) (“the International Travel Regulations”) to prohibit the arrival in England of aircraft from Argentina, the Azores, Brazil, Cape Verde, Chile, Madeira and Portugal. The arrival of vessels in England from the Azores, Madeira and Portugal is also prohibited. Concurrently, Chile, the Azores and Madeira are also removed from the list of exempt countries and territories in Schedule A1, from which passengers arriving in England are not required to self-isolate.

The Regulations also add further countries and territories to the list, in Schedule B1, of countries and territories subject to enhanced measures. Those countries and territories are Argentina, Bolivia, Brazil, Cape Verde, Chile, Colombia, Ecuador, French Guiana, Guyana, Madeira, Panama, Paraguay, Peru, Portugal, Suriname, the Azores, Uruguay and Venezuela. The enhanced measures—

- (a) remove exemptions from the requirement to self-isolate and the requirement to complete a Passenger Locator Form for passengers who have arrived in England from these countries and territories or who have arrived in England from elsewhere and, during the 10 days preceding their arrival in England, have been in or transited through them;
- (b) exclude arrivals from these countries and territories and members of their household from the “Test to Release” regime;
- (c) require people residing with arrivals from these countries and territories to self-isolate.

Note that the exemption has been retained for road hauliers who have at any time during the period beginning with the 10th day before the date of their arrival in England, departed from or transited through the Azores, Madeira and Portugal within 10 days of their arrival in England, unless they have travelled through another country listed in Schedule B1 within that time.

The Regulations also remove Aruba, Qatar and Bonaire and Sint Eustatius & Saba from the list of exempt countries and territories in Schedule A1, from which passengers arriving in England are not required to self-isolate. This amendment takes effect 24 hours after the other provisions of the Regulations.

An amendment has also been made to the exemption from the self-isolation requirements in Schedule 2 relating to ornamental horticulture to allow individuals engaged in seasonal work to self-isolate with other workers at the farm where they are engaged in that work.

In addition, amendments have been made to the amount of fixed penalty payable by a person who commits an “information offence”. The penalty for the first offence is £200, increasing with subsequent offences up to a maximum of £4,000. No information offences committed before 4.00 a.m. on 18th January 2021 will be taken into account for determining the amount payable by a person who commits an information offence on or after that time and date.

An information offence is an offence described in regulation 6(1)(a) or (3) of the International Travel Regulations, or regulation 6(2) of the International Travel Regulations where the person is believed to have wilfully obstructed any person carrying out a function in relation to regulation 3 of those Regulations.

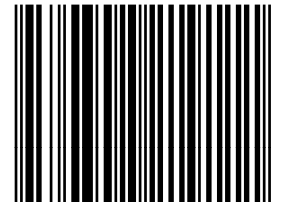
An impact assessment has not been produced for this instrument. An explanatory memorandum has been published alongside this instrument at www.legislation.gov.uk.

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