
STATUTORY INSTRUMENTS

2021 No. 766

**The Health Protection (Coronavirus, International
Travel and Operator Liability) (England)
(Amendment) (No. 4) Regulations 2021**

Amendment to Schedule 4

10.—(1) Schedule 4 (exemptions) is amended as follows.

(2) In paragraph 1—

(a) after sub-paragraph (2) insert—

“(2A) A specified person (“P”) travelling to the United Kingdom to conduct official business with the United Kingdom where—

- (a) P has been invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs; and
- (b) prior to P’s arrival in the United Kingdom the Foreign, Commonwealth and Development Office has confirmed in writing to P that they are travelling to the United Kingdom to conduct official business with the United Kingdom and are not required to comply with regulation 9.”;

(b) after sub-paragraph (4) insert—

“(4A) For the purposes of sub-paragraph (2A)—

- (a) “specified person” means a person who is a member of the democratic opposition in a foreign country or territory, a member of a political party in a foreign country or territory, or who undertakes activities in a foreign country or territory that support a government policy priority; and
- (b) “government policy priority” means government policy which has been designated as such by the Foreign, Commonwealth and Development Office, and includes, in particular, policy related to the promotion and protection of human rights, and policy related to the mitigation of, or adaptation to, climate change.”.

(3) After paragraph 6 insert—

“**6A.**—(1) A person who has travelled to the United Kingdom in the course of their work carrying out an essential role at a port for the safe or efficient operation of ferry services which is certified by their employer, or in the case of a self-employed person certified by them, as being—

- (a) an activity that cannot be done remotely; and
- (b) essential.

(2) In sub-paragraph (1), “ferry services” means the services operating on any maritime shipping routes between England and Belgium, Denmark, France, Germany, Ireland, the Netherlands, Spain or Sweden where the service is or will be operated at least once a week.”.

(4) After paragraph 44A insert—

“44B.—(1) A Euro 2020 Final attendee.

(2) For the purposes of this paragraph, a person (“P”) is a Euro 2020 Final attendee if P has been accredited to attend the 2020 UEFA European Football Championship Final (“the Final”) by the football association of a country whose team is competing in the Final.

(3) The conditions referred to in regulation 9(15)(eb) are—

- (a) P possesses, on arrival in England, a ticket to the Final, and
- (b) P travels directly from the port where P arrives in England to the stadium where the Final is being held and returns directly to, and departs England from, that port after the Final.”.

(5) After paragraph 46 insert—

“47. An in-flight security officer deployed pursuant to an international agreement to which the United Kingdom is a party.

48.—(1) A senior executive.

(2) The circumstances referred to in regulation 9(15)(ib) are—

(a) the senior executive is a multinational undertaking executive or an international undertaking executive and is undertaking activity within the period during which they would, but for this paragraph, have had to self-isolate in accordance with regulation 9 and—

- (i) if a multinational undertaking executive, the executive has a reasonable belief that the activity will more likely than not lead to the creation or continuation of employment for 500 employees or more in the United Kingdom-based branch or subsidiary of the overseas-based undertaking which that executive is visiting,
- (ii) if an international undertaking executive, the executive has a reasonable belief that the activity will deliver significant economic benefit to the United Kingdom,

(b) that activity requires the senior executive’s travel to and physical presence at a particular location and cannot reasonably be undertaken remotely, and

(c) the Secretary of State considers, on the basis of relevant information, that the circumstances in paragraphs (a) and (b) are satisfied, and has confirmed this in writing, and for these purposes “relevant information” means—

- (i) information provided by the executive or the undertaking concerned, or
- (ii) information otherwise available to the Secretary of State.

(3) This paragraph ceases to apply if the Secretary of State withdraws the confirmation referred to in sub-paragraph (2)(c).

(4) For the purposes of this paragraph, it is reasonable to believe that an activity will deliver significant economic benefit to the United Kingdom if it is more likely than not to lead to—

- (a) an investment in a United Kingdom-based undertaking which will more likely than not lead to the creation or continuation of employment of 500 employees or more in that United Kingdom-based undertaking, or
- (b) the establishment of a new business in the United Kingdom which will more likely than not, within the period of 24 months beginning with the date on which the international undertaking executive arrived in the United Kingdom, lead to the creation of employment for 500 employees or more in that new business.

- (5) The Secretary of State may—
- (a) require an undertaking which wishes to rely on the exemption for senior executives to provide any information the Secretary of State considers necessary for the purposes of sub-paragraph (2)(c);
 - (b) disclose any information provided under paragraph (a) to any person the Secretary of State considers appropriate in order to obtain advice or information as to whether the circumstances referred to in sub-paragraph (2)(a) and (b) are satisfied.
- (6) In this paragraph—
- “branch” means a place of business that forms a legally dependent part of an undertaking and conducts directly some or all of the operations of that undertaking;
- “international undertaking executive” means a senior executive of an overseas-based undertaking who is not a multinational undertaking executive and who has travelled to the United Kingdom for business or investment purposes;
- “multinational undertaking executive” means a senior executive of an overseas-based undertaking who has travelled to the United Kingdom to visit a United Kingdom-based branch or subsidiary of that overseas-based undertaking which has 500 employees or more;
- “senior executive” means a director or, in relation to an undertaking which has no board of directors, a member of the equivalent management body responsible for the management of the undertaking concerned;
- “undertaking” means—
- (a) body corporate or partnership, including a body corporate or partnership constituted under the law of a country or territory outside the United Kingdom, or
 - (b) an unincorporated association carrying on a trade or business,
- and whether an undertaking is a subsidiary of another undertaking is to be determined in accordance with section 1162 of the Companies Act 2006⁽¹⁾;
- “United Kingdom-based undertaking” means—
- (a) an undertaking whose principal place of business is in the United Kingdom and which has 500 employees or more, or
 - (b) a United Kingdom branch of an overseas-based undertaking which has 500 employees or more in the United Kingdom.”.

⁽¹⁾ 2006 c. 46.