

STATUTORY INSTRUMENTS

2023 No. 2

The Health Protection (Coronavirus, International Travel from China) (England) Regulations 2023

PART 2

Requirement to possess notification of a negative result from a pre-departure test

Application of Part to persons arriving from mainland China

2.—(1) This Part applies to a person (“P”) who arrives in England on a flight from mainland China.

(2) This Part does not apply to a person described in the Schedule.

(3) In paragraph (1), “a flight from mainland China” means—

(a) in the case of a commercial flight—

(i) a flight that, having departed from mainland China, does not land in any country or territory (other than England), or

(ii) a flight to which P transits [^{F1}in a country or territory other than mainland China (“a third country or territory”) in the course of P’s journey from mainland China to England];

(b) in any other case, a flight on an aircraft that departs from mainland China whether or not the aircraft lands, for any purpose, in any other country or territory in the course of its journey to England.

(4) For the purposes of paragraph (3)(a)(ii), P transits to a flight [^{F2}in the course of P’s journey from mainland China to England] if, having arrived in the third country or territory—

[^{F3}(a) P continues their journey to England on a flight—

(i) with the same flight operator as the other flights in P’s journey, or

(ii) with a different flight operator under an arrangement by which the entire journey to England is treated as a single journey, and

(b) P remains, at all times whilst waiting to depart from a third country or territory, within the airport at which they arrived and departs on a flight from that airport without first passing through immigration control.]

F1 Words in reg. 2(3)(a)(ii) substituted (6.1.2023 at 4.00 p.m.) by [The Health Protection \(Coronavirus, International Travel from China\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/4\)](#), regs. 1(2), 2(1)(a)

F2 Words in reg. 2(4) inserted (6.1.2023 at 4.00 p.m.) by [The Health Protection \(Coronavirus, International Travel from China\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/4\)](#), regs. 1(2), 2(1)(b)(i)

F3 Reg. 2(4)(a)(b) substituted for reg. 2(4)(a)-(c) (6.1.2023 at 4.00 p.m.) by [The Health Protection \(Coronavirus, International Travel from China\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/4\)](#), regs. 1(2), **2(1)(b)(ii)**

Commencement Information

I1 Reg. 2 in force at 5.1.2023 at 4.00 a.m., see [reg. 1\(2\)](#)

Requirement to possess notification of a negative result from a pre-departure test

3.—(1) A person to whom this Part applies (“P”) must, when they arrive in England, possess valid notification of a negative result from—

- (a) where P is an adult—
 - (i) a pre-departure test undertaken by them;
 - (ii) who is accompanying a child aged 12 or over for whom they have responsibility, a pre-departure test undertaken by that child;
- (b) where P is a child aged 12 or over who is unaccompanied by an adult with responsibility for them, a pre-departure test undertaken by them,

unless P has a reasonable excuse.

(2) For the purposes of paragraph (1), reasonable excuses for not possessing valid notification of a negative test result in relation to a person (“M”) include, in particular, where—

- (a) M was medically unfit to provide a sample for a pre-departure test and possessed a document, in English or accompanied by a certified English translation, signed by a medical practitioner entitled to practise the country or territory in which that practitioner was based, to that effect;
- (b) it was not reasonably practicable for a pre-departure test to be obtained in relation to M due to a disability;
- (c) M required medical treatment with such urgency that obtaining a pre-departure test was not reasonably practicable;
- (d) M contracted coronavirus and required emergency medical treatment;
- (e) P was accompanying, in order to provide support, whether medical or otherwise, a person described in sub-paragraph (c) or (d) where it was not reasonably practicable for P to obtain a pre-departure test.

(3) A person who possesses valid notification of a negative result from a pre-departure test must produce that notification if requested to do so by an immigration officer.

(4) In this regulation—

“child” means a person under the age of 18;

“immigration officer” means—

- (a) a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971(1);
- (b) a person appointed by the Secretary of State to perform the functions of an immigration officer under these Regulations;

“pre-departure test” means a test for the detection of SARS-CoV-2 that complies with regulation 4;

(1) Paragraph 1 was amended by paragraph 3 of Schedule 3 to the Health Protection Agency Act 2004 (c. 17), and by S.I. 1993/1813. There are other amendments not relevant to this instrument.

“valid notification of a negative result” means a notification that includes the information specified in regulation 5.

Commencement Information

I2 Reg. 3 in force at 5.1.2023 at 4.00 a.m., see [reg. 1\(2\)](#)

Pre-departure test criteria

- 4.—(1) For the purposes of regulation 3(4), a test complies with this regulation if—
- (a) it is undertaken using a device which the manufacturer states has—
 - (i) a sensitivity of at least 80%,
 - (ii) a specificity of at least 97%, and
 - (iii) a limit detection of less than or equal to 100,000 SARS-CoV-2 copies per millimetre,
 - (b) it is not provided or administered by a public provider, and
 - (c) the test sample is taken from the person no more than two days before the person’s deemed time of departure.

(2) In this regulation,

“deemed time of departure” means—

- (a) in relation to a person travelling on a commercial flight—
 - (i) the flight’s scheduled departure time, if the person is arriving in England on a flight from mainland China within the meaning of regulation 2(3)(a)(i);
 - (ii) the scheduled time of departure of the flight that departs from mainland China, if the person is arriving in England on a flight from mainland China within the meaning of regulation 2(3)(a)(ii);
- (b) in any other case, the actual time of departure of the aircraft on which the person is travelling to England.

“public provider” means a test provider who provides or administers a test under the National Health Service Act 2006(2), the National Health Service (Wales) Act 2006(3), the National Health Service (Scotland) Act 1978(4), or the Health and Personal Social Services (Northern Ireland) Order 1972(5).

Commencement Information

I3 Reg. 4 in force at 5.1.2023 at 4.00 a.m., see [reg. 1\(2\)](#)

Form of notification of negative result

5. For the purposes of regulation 3(4), a notification of a negative test result is valid if it includes, in English, French or Spanish—

- (a) the name of the person from whom the sample was taken;
- (b) that person’s date of birth or age;

(2) 2006 c. 41.
(3) 2006 c. 42.
(4) 1978 c. 29.
(5) S.I. 1972/1265 (N.I. 14).

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel from China) (England) Regulations 2023, PART 2. (See end of Document for details)

- (c) the negative result of the test;
- (d) the date the test sample was collected or received by the test provider;
- (e) the name of the test provider and information sufficient to contact that provider;
- (f) a statement—
 - (i) that the test was a polymerase chain reaction test, or
 - (ii) of the name of the device that was used for the test.

Commencement Information

I4 Reg. 5 in force at 5.1.2023 at 4.00 a.m., see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel from China) (England) Regulations 2023, PART 2.