

EXPLANATORY MEMORANDUM TO

THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL FROM CHINA) (ENGLAND) (AMENDMENT) REGULATIONS 2023

2023 No. 4

1. Introduction

- 1.1 This explanatory memorandum has been prepared by Department for Transport and is laid before Parliament by Command of His Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument amends the Health Protection (Coronavirus, International Travel from China) (England) Regulations 2023 (S.I. 2023/2) (“the China Regulations”) to rectify an error in regulation 2 of the China Regulations.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The Department regrets that this instrument is being laid in breach of the 21-day rule. This is due to the urgency of the need to take action in support of the health security of the United Kingdom by rectifying the error in the China Regulations as soon as possible.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument (that is the jurisdiction which the instrument forms part of the law of) is England and Wales.
- 4.2 The territorial application of this instrument (that is where the instrument produces a practical effect) is England.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

- 6.1 The Public Health (Control of Disease) Act 1984 (“the 1984 Act”) and regulations made under it provide a legislative framework for health protection in England and Wales. The China Regulations were made under sections 45B, 45F(2) and 45P(2) of the 1984 Act and this amending instrument is made under the same provisions.
- 6.2 The relevant legislative context is set out in paragraphs 6.1 to 6.5 of the explanatory memorandum to the China Regulations, published on [legislation.gov.uk](https://www.legislation.gov.uk).

7. Policy background

What is being done and why?

- 7.1 The policy aims of the China Regulations are set out in paragraphs 7.1 to 7.6 of the explanatory memorandum to those regulations, published on legislation.gov.uk. This instrument is being made to rectify an error in regulation 2 of the China Regulations which inadvertently limited the types of flight to which those regulations apply, as set out in Part 2 of those regulations.
- 7.2 The policy intention, as explained in paragraph 2.1 of the explanatory memorandum to the China Regulations, is to require people travelling by air (directly or indirectly) to England from mainland China to possess a notification of a negative coronavirus test prior to arrival in England. The error in regulation 2 of the China Regulations would limit the application of those regulations to indirect arrivals who had no more than one stop in a third country or territory on their journey from mainland China to England. This is not in line with the policy intention.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 This instrument does not consolidate any legislation and there are no plans to do so at this time.

10. Consultation outcome

- 10.1 There has been no public consultation in relation to this instrument.

11. Guidance

- 11.1 Guidance has been issued for the benefit of airline operators and passengers for the China Regulations. This will be updated in light of this instrument.
- 11.2 The aviation industry has received communications about the China Regulations via the industry regulator, the Civil Aviation Authority, which has issued a SIREN notice to affected members of the industry.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because of the urgency of the need for this legislation to address a health security risk.

13. Regulating small business

- 13.1 The legislation applies does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 This instrument amends the China Regulations which cease to have effect 4th April 2023. Those regulations will be monitored through regular scientific advice on whether they are having a material or a marginal impact on the incidence of coronavirus within the UK.

15. Contact

- 15.1 Bethan Grinham at the Department for Transport Telephone: 07773 072689 or email: bethan.grinham@dft.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Holly Greig, Deputy Director for Aviation at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Rt. Hon. Mark Harper MP, Secretary of State for Transport can confirm that this Explanatory Memorandum meets the required standard.