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STATUTORY INSTRUMENTS

2021 No. 1289

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 18) Regulations 2021

<i>Made</i>	- - - -	<i>at 10.00 a.m. on 19th November 2021</i>
<i>Laid before Parliament</i>		<i>at 2.30 p.m. on 19th November 2021</i>
<i>Coming into force</i>	- -	<i>at 4.00 a.m. on 22nd November 2021</i>

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⁽¹⁾.

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 18) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 22nd November 2021.

(3) These Regulations extend to England and Wales and apply in relation to England only.

(4) In these Regulations, “the principal Regulations” means the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021⁽²⁾.

Amendments to the principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 22.

Amendments to regulation 2

3. In regulation 2(1) (interpretation)—

⁽¹⁾ 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

⁽²⁾ S.I. 2021/582, amended by S.I. 2021/589, 670, 682, 731, 766, 795, 865, 914, 923, 966, 974, 1003, 1033, 1066, 1107, 1130, 1155, 1179, 1210 and 1213.

- (a) after the definition of “eligible traveller”, insert—
- ““EU Digital COVID Certificate” means a COVID-19 vaccination, test or recovery certificate issued by either a member state of the European Union, European Economic Area or the European Free Trade Association, or a European microstate; “European microstate” means Andorra, Monaco, San Marino, the Sovereign Order of St John or the Vatican City State;”;
- (b) after the definition of “managed self-isolation package” insert—
- ““North American Certificate” has the meaning given in regulation 3A(2);”.

Amendments to regulation 3A

- 4.** In regulation 3A (interpretation of Part)(3)—
- (a) in paragraph (1), after sub-paragraph (b), insert—
- “(c) a reference to a country does not include a reference to the overseas territories and dependencies of that country unless otherwise stated.”;
- (b) in paragraph (2)—
- (i) in the definition of “authorised vaccine”, in sub-paragraph (c), for the words from “would be authorised” to the end, substitute—
- “—
- (i) would be authorised as provided for in paragraph (a)(i) or (ii) if the doses were received in the United Kingdom, or
- (ii) are listed in lines 10, 11 or 13 of the Guidance Document “Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process” published by the World Health Organisation on 11th November 2021(4), and authorised or certified in a relevant country listed in paragraph (4);”;
- (ii) in the definition of “NHS COVID pass”—
- (aa) after “records”, insert “available”;
- (bb) after “NHS.uk or”, insert “in”;
- (iii) after the definition of “NHS Wales”, insert—
- “North American Certificate” means, in relation to a State listed in the table in paragraph (2B), the certificate identified in the corresponding row of the second column of that table;”;
- (iv) after the definition of “NHS Wales”, insert—
- ““Regulation (EU) 2021/953” means Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic(5)
- (c) after paragraph (2), insert—
- “(2A) The following countries and territories are approved third countries or territories for the purposes of this Part—

(3) Regulations 3A to 3K were inserted by [S.I. 2021/1107](#).

(4) A copy may be downloaded from https://extranet.who.int/pqweb/sites/default/files/documents/Status_COVID_VAX_11Nov2021.pdf. A hard copy may be obtained from the Department of Health and Social Care, 39 Victoria Street, London, SW1H 0EU.

(5) OJ L 211, 15.6.21, p.1.

Albania
Armenia
Faroe Islands
Israel
Morocco
North Macedonia
Panama
Turkey
Ukraine.

(2B) The table referred to in the definition of “North American Certificate” in paragraph (2) is—

<i>State</i>	<i>Certificate Name</i>
California	Digital COVID-19 Vaccine Record
New York	Excelsior Pass Plus
Washington State	WA Verify”;

(d) in paragraph (3), in the opening words, after “paragraph (2)” insert “except in the definition of “North American Certificate””;

(e) in paragraph (4), in the list of countries and territories, at the appropriate places insert entries for—

“Belarus
Bolivia
Democratic Republic of the Congo
Dominican Republic
Ecuador
Laos
Libya
Malawi
Mozambique
Samoa
Senegal
Vanuatu
Zambia
Zimbabwe.”.

Amendment to regulation 3B

5. In regulation 3B(1) (eligible travellers), in sub-paragraph (a), for the words from “P has not been” to the end, substitute—

“—

- (i) P has been in a category 2 country or territory, and
- (ii) P has not been in a category 3 country or territory, and”.

Amendments to regulation 3C

6. In regulation 3C (eligible travellers: vaccination conditions)—
- (a) in paragraph (1)—
 - (i) omit sub-paragraph (c);
 - (ii) in sub-paragraph (d)—
 - (aa) after paragraph (ii), insert—
 - “(ia) a North American Certificate;
 - (iib) a COVID-19 vaccination certificate issued by an approved third country or territory and considered by the European Commission to be equivalent to an EU Digital COVID Certificate issued in accordance with Regulation (EU) 2021/953;”;
 - (bb) at the end, insert “and”;
 - (iii) omit sub-paragraph (e);
 - (b) in paragraph (2), after sub-paragraph (a), insert—
 - “(ab) if P has received at least 2 doses of any of the vaccines referred in sub-paragraph (c)(ii) of the definition of “authorised vaccine” in regulation 3A(2), P is deemed to have completed a course of doses of an authorised vaccine.”.

Amendments to regulation 3E

7. In regulation 3E (eligible travellers: US clinical trial conditions)—
- (a) at the end of paragraph (b), insert “and”;
 - (b) in paragraph (c) omit “; and”;
 - (c) omit paragraph (d).

Amendments to regulation 3G

8. In regulation 3G (eligible travellers: age and residence conditions)—
- (a) in the heading, for “and residence conditions” substitute “condition”;
 - (b) at the end of sub-paragraph (a), omit “; and”;
 - (c) omit sub-paragraph (b).

Amendments to regulation 3H

9. In regulation 3H (eligible travellers: UK vaccine rollout overseas conditions)—
- (a) in paragraph (1)—
 - (i) in the opening words, omit “either”;
 - (ii) at the end of sub-paragraph (a), omit “; or”;
 - (iii) omit sub-paragraph (b);
 - (b) in paragraph (3), after sub-paragraph (b), insert—
 - “(ba) a North American Certificate,
 - (bb) a COVID-19 vaccination certificate issued by an approved third country or territory and considered by the European Commission to be equivalent to an EU Digital COVID Certificate issued in accordance with Regulation (EU) 2021/953;”.

Amendment to regulation 4

10. In regulation 4 (requirement to possess notification of negative test result), in paragraph (7) (b)(i), for “Covid” substitute “COVID”.

Amendments to regulation 5

11. In regulation 5 (requirements relating to tests)—

- (a) in paragraph (1)(e)—
 - (i) in the opening words, omit “(15)(f)(ii) or”;
 - (ii) omit paragraph (i) and (iii);
- (b) in paragraph (2), omit “(15)(g)(ii), or”.

Amendments to regulation 6

12. In regulation 6 (requirement to book and undertake tests)—

- (a) in paragraph (3)(b), at the beginning, insert “if P arrives in England from a category 3 country or territory,”;
- (b) in paragraph (5), after “in England”, the first time it occurs, insert “from a category 3 country or territory”;
- (c) in paragraph (6)(b), after “child”, insert “who arrives from a category 3 country or territory”.

Amendments to regulation 9

13. In regulation 9 (further requirements on arrivals from category 2 countries and territories)—

- (a) in paragraph (3)—
 - (i) in sub-paragraph (a), in the opening words, for “, (c), or (d)”, substitute “or (c)”;
 - (ii) in sub-paragraph (b), at the end, insert “or”;
 - (iii) at the end of sub-paragraph (c), omit “; or”;
 - (iv) omit sub-paragraph (d);
- (b) in paragraph (11), omit sub-paragraph (k);
- (c) omit paragraph (13);
- (d) in paragraph (15)—
 - (i) before sub-paragraph (f), insert—
 - “(ec) in paragraph 4, 5, 6A, 9, 10, 13, 14, 18, 19, 20 or 52 of Schedule 4, P is not required to comply with this regulation;”;
 - (ii) in sub-paragraph (f), for the words “4” to “or 52” substitute “6, 7 or 8”;
 - (iii) omit sub-paragraphs (g) and (h);
 - (iv) in sub-paragraph (j), omit the words from “including paragraph 10” to “tunnel system, but”.

Amendments to regulation 11

14. In regulation 11 (enforcement of requirement to self-isolate)—

- (a) in paragraph (8), after “child”, insert “who arrives in England from a category 3 country or territory”;

- (b) in paragraph (9), after “child”, insert “who arrives in England from a category 3 country or territory”.

Amendment to regulation 17

15. In regulation 17(3) (requirement to ensure passengers possess notification of negative test result), in the opening words of the definition of “required notification”, for “Covid” substitute “COVID”.

Amendments to regulation 17A

16. In regulation 17A(2) (requirement to ensure passengers possess evidence of vaccination)~~(6)~~—

- (a) in sub-paragraph (a)—
 - (i) for “3C(1)(c) or (d)” substitute “3C(1)(d)”;
 - (ii) omit “and (d)”;
- (b) in sub-paragraph (b), omit “or 3H(1)(b)”.

Amendment to regulation 19

17. In regulation 19 (offences and penalties), in paragraph (13A)(b), for “records of information”, substitute “records and information”.

Amendments to Schedule 4

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

(2) In paragraph 1(4)—

- (a) after paragraph (c), insert—
 - “(ca) “a Future Tech Forum event” means—
 - (i) the Future Tech Forum being hosted by Her Majesty’s Government on 29th and 30th November 2021;
 - (ii) a meeting, connected to the Future Tech Forum referred to in sub-paragraph (i), between representatives of States, foreign territories or organisations which are represented at the Future Tech Forum or between such organisations and an individual who has been invited by Her Majesty’s Government to attend or facilitate the Future Tech Forum on their own behalf;”;
- (b) in paragraph (ga), after sub-paragraph (v), insert—
 - “(vi) a Future Tech Forum event;”.

Amendment to Schedule 4A

19. In paragraph 3 (eligible category 2 participants) of Schedule 4A(7), omit sub-paragraph (6).

Amendment to Schedule 5

20. In Schedule 5 (list of sporting events), at the end, insert—

(6) Regulation 17A was inserted by [S.I. 2021/865](#), and amended by [S.I. 2021/923](#), 1107 and 1130.

(7) Schedule 4A was inserted by [S.I. 2021/966](#) and amended by [S.I. 2021/1130](#) and 1155.

“Cage Warriors European Series
Motorsport UK – Jurassic X Prix”.

Amendment to Schedule 8

21. In Schedule 8 (mandatory testing after arrival in England), in paragraph 7B(1)(b) (day 2 tests: private provider requirements for lateral flow device tests)—

- (a) for “gov.uk/guidance/day-2-lateral-flow-tests-for-international-arrivals-minimum-standards-for-providers” substitute “<https://www.gov.uk/government/publications/minimum-standards-for-private-sector-providers-of-covid-19-testing/day-2-lateral-flow-tests-for-international-arrivals-minimum-standards-for-providers>”;
- (b) for “21st October 2021” substitute “16th November 2021”.

Amendments to Schedule 13

22. In Schedule 13 (prohibition on the arrival of aircraft and vessels into England), in paragraph 7 (airport operators to ensure passengers use designated terminals)—

- (a) in sub-paragraph (1)—
 - (i) at the end of paragraph (b), insert “or”;
 - (ii) after paragraph (b), insert—
 - “(c) category 3 arrivals to arrive at a terminal or part of a terminal designated for direct flights from category 3 countries or territories at any time when passengers who are not category 3 arrivals or Schedule 11 passengers are being processed in that terminal or part of a terminal.”;
- (b) in sub-paragraph (1A)(8)—
 - (i) in the opening words, after “(1)(b)” insert “and (c)”;
 - (ii) in paragraph (b), in the opening words, for “category 3 arrival” substitute “passenger”.

Transitional and saving provision

23.—(1) In relation to any person who arrived in England before the coming into force of an amendment made by these Regulations, the principal Regulations apply as if that amendment had not been made.

(2) The amendment made by regulation 21 does not have effect in relation to any private provider who made the declaration referred to in paragraph 7B(1)(b) of Schedule 8 to the principal Regulations (“their declaration”) before 4th November 2021.

(3) Where a private provider made their declaration on or after 4th November 2021 but before 16th November 2021, that declaration is to be treated as having been made in accordance with paragraph 7B(1)(b) of Schedule 8 to the principal Regulations as amended by these Regulations.

(8) Sub-paragraph (1A) was inserted into paragraph 7 by S.I. 2021/1210.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

At 10.00 a.m. on 19th November 2021

Kamall
Parliamentary Under-Secretary of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 (S.I. 2021/582). They define those countries and territories which are approved third countries and territories for the purposes of vaccine certification and the UK vaccine rollout overseas; clarify the status of overseas territories and dependencies of relevant countries; extend the list of relevant countries and territories to a number of additional countries and territories; and simplify the exemptions from the requirement to self-isolate applying to certain categories of transport and border workers. They also amend the definition of eligible traveller, the conditions to be satisfied for the exemption to the requirement to self-isolate in regulation 9, add the “Future Tech Forum” to the list of relevant international events in Schedule 4, add two events to the list of sporting events in Schedule 5 and make other minor amendments.

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