
STATUTORY INSTRUMENTS

2021 No. 1338

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 4) Regulations 2021

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>at 1.55 p.m. on 29th November 2021</i>
<i>Laid before Parliament</i>		<i>at 5.00 p.m. on 29th November 2021</i>
<i>Coming into force</i>	- -	<i>at 4.00 a.m. on 30th November 2021</i>

The Secretary of State, in exercise of the powers conferred by sections 45C(1) and (3)(c), 45D, 45F(2), 45P and 45T(6) of the Public Health (Control of Disease) Act 1984⁽¹⁾, makes the following Regulations.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020⁽²⁾ as amended by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act, the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 4) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 30th November 2021.

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).
(2) S.I. 2020/1045, amended by S.I. 2020/1375, 1518, 2021/97, 364, 582, 851, 864 and 1073.

Amendments to the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 are amended as follows.

(2) In regulation 2(2), in sub-paragraph (n), in the opening words, for “or (b)”, substitute “, (ba) or (c)”.

(3) In regulation 2B—

(a) after paragraph (1)(a), insert—

“(ba) they have had close contact with a person who has tested positive for coronavirus and that person is suspected of, or confirmed as, having an Omicron variant, or

(c) a child in respect of whom they are a responsible adult has had close contact with a person who has tested positive for coronavirus and that person is suspected of, or confirmed as, having an Omicron variant.”;

(b) after paragraph (2), insert—

“(3A) Where paragraph (1)(ba) applies, the person notified must self-isolate for the period of self-isolation.

(3B) Where paragraph (1)(c) applies, R must secure, so far as reasonably practicable, that the child self-isolates for the period of self-isolation.”;

(c) in paragraphs (4) and (5), after “P”, insert “, or R where P is a child.”;

(d) after paragraph (5), insert—

“(5A) Paragraph (5B) applies where P is an adult and a relevant person notifies P that the person who tested positive for coronavirus with whom P has had close contact does not have, or is no longer suspected of having, an Omicron variant.

(5B) In a case referred to in paragraph (5A), paragraph (1)(a) applies to P from the point at which the notification is received.”.

(e) after paragraph (8), insert—

“(9) For the purposes of paragraph (1)(ba) and (c), a person (“A”) who has tested positive for coronavirus is suspected of, or confirmed as, having an Omicron variant where molecular testing (including PCR tests, genotyping or sequencing) has identified that A is suspected of having, or does have, an Omicron variant.”.

(4) In regulation 3(4), in the opening words, after “2B(1)(a)”, insert “, (ba) or (c)”.

(5) In regulation 5(1)—

(a) after the definition of “coronavirus related research”, insert—

““Omicron variant” means the SARS-CoV-2 variant designated as B.1.1.529 by the World Health Organization;”;

(b) in the definition of “P”, for “or 2B(2)”, substitute “2B(2), (3A) or (3B)”.

(6) In regulation 10(4), after “regulation 2A”, insert “or 2B”.

(7) In regulation 14(4D)(a)—

(a) at the end of paragraph (i), omit “or”;

(b) in paragraph (ii), at the end, insert “or”;

(c) after paragraph (ii), insert—

“(iii) regulation 2B(1)(ba) or (c) applies to the individual, because they have had close contact with a person who has tested positive for coronavirus and that person is suspected of, or confirmed as, having an Omicron variant;”.

At 1.55 p.m. on 29th November 2021

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

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 to provide that:

- (a) where an adult is a close contact of someone who has tested positive for coronavirus and is suspected of, or confirmed as, having an Omicron variant, the exemptions from the duty to self-isolate (for those who are participating in coronavirus related research, fully vaccinated, participating in a clinical vaccine trial, or clinically unable to be vaccinated) do not apply;
- (b) children who are a close contact of someone who has tested positive for coronavirus and is suspected of, or confirmed as, having an Omicron variant must self-isolate.

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