

## **EXPLANATORY MEMORANDUM TO**

### **THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL AND OPERATOR LIABILITY) (ENGLAND) (AMENDMENT) (NO. 11) REGULATIONS 2021**

**2021 No. 1033**

#### **1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department of Health and Social Care (DHSC) and is laid before Parliament by Command of Her 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 and Operator Liability) (England) Regulations 2021 (S.I. 2021/582) (“the International Travel Regulations”) to update the list of specified competitions in Schedule 5 which is relevant to the exemption of elite sportspersons from some requirements imposed by those Regulations.
- 2.2 This instrument also amends the International Travel Regulations to exempt international sportspersons travelling to or through a Category 3 country or territory to compete in an elite sports event from measures in Schedule 11 that apply to arrivals from Category 3 countries or territories. This exemption applies when these elite sportspersons then arrive in England to play in a football match in the Union of European Football Associations (UEFA) Champions League, Europa League or Europa Conference League. Schedule 11 is also amended so that cross-references to terms defined in Schedule 4 are modified where used in Schedule 11 so as to apply to arrivals from category 3 countries or territories.

#### **3. Matters of special interest to Parliament**

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 DHSC regrets that this instrument breaches the rule that statutory instruments subject to the negative procedure should normally be laid, and copies provided to the Committee, 21 days before the instrument comes into force (“the 21-day rule”), but considers that these amendments to the International Travel Regulations are urgent for the public policy reasons described below.

#### **4. Extent and territorial application**

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument 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 For the legislative context, see paragraphs 7.1 to 7.7 of the [explanatory memorandum to the International Travel Regulations](#) published on [www.legislation.gov.uk](http://www.legislation.gov.uk).

## 7. Policy background

### *What is being done and why?*

- 7.1 This amending instrument makes changes to the International Travel Regulations to allow international elite sportspersons who have competed in elite sports events in Category 3 countries within 10 days of entering England to enter England and compete in specified elite sports events. In practice, as the only events currently specified are UEFA Champions League, Europa League or Europa Conference League games against participating English clubs, this easing of restrictions will only apply to elite international footballers who have travelled to or passed through a Category 3 country or territory to take part in an international fixture for their country. These changes are necessary to allow these home matches for English clubs to proceed, and to avoid their relocation by UEFA to neutral venues abroad.
- 7.2 A technical amendment has also been undertaken in this instrument, to make modifications to the references in sub-paragraphs (1)(h), (j) and (k) of paragraph 2 of Schedule 11. These provisions contain cross-references to definitions in Schedule 4, and those definitions refer to people arriving from Category 2 countries and territories. For paragraph 2(1)(h), (j) and (j) to have the correct and intended effect in Schedule 11, these cross-references need to be read as if the references to Category 2 countries/territories were instead to Category 3 countries/territories. This is because Schedule 11 is concerned with the additional measures on arrivals from Category 3 countries/territories. Accordingly, the free issue procedure has been applied to this instrument.

### *Explanations*

#### *What did any law do before the changes to be made by this instrument?*

- 7.3 Without these changes, international elite sportspersons (the participating players) would be subject to the usual Category 3 country restrictions, which would not allow them to be able to compete in the games.

#### *Why is it being changed?*

- 7.4 There is a public policy interest in allowing what would be a small number of players (estimated to be 1-3 players per European club side in scope) to enter the country to compete in the specified fixtures. The players will be subject to the usual conditions imposed through Schedule 4 around elite sport exemptions, Government [guidance](#)<sup>1</sup> on COVID-19 measure for elite sport, and UEFA's "[Return to Play Protocol](#)"<sup>2</sup>. In addition, the players will be subject to additional protocols and mitigations imposed by Public Health England to minimise public health risk.
- 7.5 If these changes are not made, UEFA have indicated the English club sides' home fixtures affected by European club players having played internationals in Category 3

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<sup>1</sup> The guidance may be found here: <https://www.gov.uk/government/publications/guidance-on-coronavirus-covid-19-measures-for-elite-sport>.

<sup>2</sup> The Protocol may be found here: [https://editorial.uefa.com/resources/026d-132ddc939664-45fb47464452-1000/uefa\\_return\\_to\\_play\\_protocol.pdf](https://editorial.uefa.com/resources/026d-132ddc939664-45fb47464452-1000/uefa_return_to_play_protocol.pdf).

countries in previous 10 days will be moved abroad to neutral venues. This would cause significant disruption to English clubs and home fans. The first home fixtures affected are due to take place on 14, 15 and 16 September.

*What will it now do?*

- 7.6 The changes will allow for incoming European club footballers who have competed abroad in elite sports events (as defined in paragraph 44(2) of Schedule 4 to the International Travel Regulations) in Category 3 countries in the previous 10 days to be able to enter England to compete in the UEFA Champions League, Europa League and Europa Conference League fixtures.

**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 2018.

**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 on coronavirus (COVID-19) measures for elite sport can be found at: <https://www.gov.uk/government/publications/guidance-on-coronavirus-covid-19-measures-for-elite-sport/elite-sport-operations>.

**12. Impact**

- 12.1 An Impact Assessment has not been prepared for this instrument because it is a temporary measure which is part of the Government's response to COVID-19. As the International Travel Regulations, which this instrument amends, will cease to have effect at the end of 16th May 2022, a Regulatory Impact Assessment would be disproportionate.

**13. Regulating small business**

- 13.1 The legislation applies to activities that are undertaken by small businesses.

**14. Monitoring and review**

- 14.1 The Secretary of State must review the need for the requirements imposed by the International Travel Regulations, which this instrument amends, at least every 28 days as a result of a statutory review clause.

**15. Contact**

- 15.1 Sarah Hegarty at the Department of Health and Social Care, [sarah.hegarty@dhsc.gov.uk](mailto:sarah.hegarty@dhsc.gov.uk) can be contacted with any queries regarding the instrument.

- 15.2 Ronnie Haynes, Deputy Director for Managed Quarantine Services at the Department of Health and Social Care, can confirm that this explanatory memorandum meets the required standard.
- 15.3 Lord Bethell, Parliamentary Under Secretary of State for Innovation at the Department of Health and Social Care, can confirm that this explanatory memorandum meets the required standard.