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STATUTORY INSTRUMENTS

2021 No. 1371

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 23) Regulations 2021

Made - - - - at 5.18 p.m. on 6th December 2021

Coming into force - - at 4.00 a.m. on 7th December 2021

Laid before Parliament at 11.00 a.m. on 7th December 2021

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(a).

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. 23) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 7th December 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(b).

Amendments to the principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 10.

Amendment of regulation 2 (interpretation and introduction of Schedules 1 to 4)

3. In the words before sub-paragraph (a) of regulation 2(3), for “Regulations, a person” substitute “Regulations, except where they provide otherwise, a person”.

Amendment of Part 1A (requirement to complete passenger locator form)

4.—(1) Part 1A is amended as follows.

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

(b) 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, 1213, 1289, 1323, 1331, 1339 and 1367.

(2) In the heading, for “Requirement to complete passenger locator form” substitute “Requirements on persons arriving in England”;

(3) In regulation 3(4)(a) (requirement on passengers to provide information)—

- (a) after “regulation” insert “3K (self-isolation requirements on eligible travellers),”;
- (b) after “(category 2 and category 3 arrivals)” insert “or Schedule 11 (additional measures applicable to arrivals from category 3 countries or territories)”;

(4) After regulation 3 insert—

“Requirement to possess notification of negative test result

3ZA.—(1) A person who arrives in England having begun their journey outside the common travel area must possess on arrival valid notification of a negative result from a qualifying test taken by that person.

(2) A person who presents at immigration control at the Channel Tunnel shuttle terminal area in France, with the intention of boarding a shuttle service destined for the United Kingdom, must, on so presenting, possess valid notification of a negative result from a qualifying test taken by that person.

(3) A person who is travelling with a child aged 12 or over and for whom they have responsibility must—

- (a) on their arrival in England, in the case of a person described in paragraph (1); or
- (b) when they present at immigration control, in the case of a person described in paragraph (2),

possess valid notification of a negative result from a qualifying test taken by that child.

(4) A person who possesses valid notification of a negative result from a qualifying test must produce that notification, physically or digitally, if requested to do so by an immigration officer.

(5) A person must as soon as reasonably practicable undertake a test that complies with paragraph 1(a) of Schedule 7 if—

- (a) the person requires leave to enter or remain in the United Kingdom;
- (b) an immigration officer suspects the person has—
 - (i) evaded, or attempted to evade, immigration control, or
 - (ii) been arrested, detained or granted immigration bail by an immigration officer in accordance with the Immigration Acts;
- (c) the person fails to produce valid notification of a negative result from a qualifying test when requested to do so by an immigration officer; and
- (d) the immigration officer requires the person to undertake such a test.

(6) The following persons are not required to comply with this regulation—

- (a) a child who is under the age of 12;
- (b) a person described in paragraph 2, 3, 4, 5, 6, 6A, 7, 8, 9, 10, 12A, 13, 14, 15, 34 or 52 of Schedule 4 (exemptions);
- (c) a category 1 arrival who would have been a person described in paragraph 2 or 4 of Schedule 4 if that person had arrived from a category 2 country or territory;
- (d) a person described in any sub-paragraph of paragraph 3(1) of Schedule 7 (testing before arrival in England).

(7) For the purposes of this regulation—

- (a) a test is a qualifying test if it complies with paragraph 1 of Schedule 7;
- (b) a notification of a negative result is valid if —
 - (i) it is provided through the EU Digital COVID Certificate, or

- (ii) it includes the information specified in paragraph 2 of Schedule 7;
- (c) a child is to be treated as possessing valid notification of a negative result from a qualifying test taken by that child even if that notification is possessed by a person who is travelling with, and has responsibility for, that child.”.

Omission of regulation 4 (requirement to possess notification of negative test result)

5. Omit regulation 4.

Provision consequent on regulations 4 and 5 of these Regulations

6.—(1) In each of the following places, for “regulation 4” substitute “regulation 3ZA”—

- (a) the definition of “qualifying test” in regulation 2(1);
- (b) regulation 14(2)(b)(iii);
- (c) regulation 17(2)(a);
- (d) in regulation 19—
 - (i) paragraph (1)(b);
 - (ii) paragraph (2)(a);
 - (iii) paragraph (19)(b);
- (e) in Schedule 7—
 - (i) the shoulder note;
 - (ii) in the heading of paragraph 3;
 - (iii) in paragraph 3(1)—
 - (aa) paragraph (a)(i) and (ii);
 - (bb) paragraph (b);
 - (cc) paragraph (c)(ii)(bb);
 - (dd) paragraph (ca)(ii);
- (f) in Schedule 14—
 - (i) the words before sub-paragraph (a) of paragraph 4;
 - (ii) paragraph 17(b).

(2) In regulation 14—

- (a) in paragraph (1)(c)(iii), for “3, 4” substitute “3, 3ZA”;
- (b) in paragraph (3)(b)(iii), for “3, 4” substitute “3, 3ZA”.

(3) In regulation 22(2)—

- (a) in sub-paragraph (f), for “3(7), 4(4)” substitute “3(7), 3ZA(4)”;
- (b) in sub-paragraph (h), for “3J, 3K, 4” substitute “3ZA, 3J, 3K”.

(4) In Schedule 4A—

- (a) in paragraph 2(2)—
 - (i) omit paragraph (b);
 - (ii) in paragraph (d), omit “other than regulation 4,”;
- (b) in paragraph 3—
 - (i) omit sub-paragraph (9A);
 - (ii) in sub-paragraph (10), omit “, other than regulation 4,”;
- (c) in paragraph 4(2)—
 - (i) in the words before paragraph (a), for “Regulation” substitute “Regulations”;
 - (ii) in paragraph (a), for “regulations 4 and 6” substitute “regulation 6”.

(5) In Schedule 7, in the words before paragraph (a) of paragraph 3(1), for “regulation 4(6)(c)” substitute “regulation 3ZA(6)(d)”. Amendment of regulation 11 (enforcement of requirement to self-isolate)

7. In regulation 11—

- (a) in the words before sub-paragraph (a) of paragraph (1), for “regulation 9” substitute “regulation 3K or 9”;
- (b) in the words before sub-paragraph (a) of paragraph (8), omit “who arrives in England from a category 3 country or territory”;
- (c) in paragraph (9)—
 - (i) omit “who arrives in England from a category 3 country or territory”;
 - (ii) for “regulation 9” substitute “regulation 3K or 9”;
- (d) in paragraph (10), for “regulation 9” substitute “regulation 3K or 9”.

Amendment of regulation 17A (requirement to ensure passengers possess evidence of vaccination)

8. In regulation 17A(2)(a), after “3E(b)” insert “, “3F(1)(b)”.

Amendment of Schedule 7 (testing before arrival in England)

9. In Schedule 7—

- (a) in paragraph 1(c)—
 - (i) for “three” substitute “two”;
 - (ii) in paragraph (i), for “service, the service’s scheduled time of departure” substitute—
 - “service that—
 - (aa) does not involve the person transiting through a country or territory, the service’s scheduled time of departure;
 - (bb) involves the person transiting through a country or territory, the scheduled time of departure of the first part of the service”;
- (b) after paragraph 1 insert—
 - “1A. For the purposes of paragraph 1, a person transits through a country or territory if they arrive in that country or territory for the sole purpose of continuing a journey to England—
 - (a) on a conveyance other than the conveyance on which they arrived, or
 - (b) on the same conveyance, having temporarily disembarked from it.”.

Amendment of Schedule 12 (information for passengers)

10.—(1) Part 1 of Schedule 12 is amended as follows.

(2) Immediately before the first paragraph (which begins “Fill in your Passenger Locator Form before arrival.”) insert—

“All persons (including UK nationals and residents) arriving in the UK from outside the CTA must provide proof of a negative COVID-19 test taken within 2 days of departure to the UK. For further information please visit: www.gov.uk/guidance/coronavirus-covid-19-testing-for-people-travelling-to-england.”.

(3) Under the paragraph headed “Red list passengers (including passengers who are fully vaccinated)”—

- (a) omit sub-paragraph 1;
- (b) renumber sub-paragraph 2 as sub-paragraph 1;

- (c) renumber sub-paragraph 3 as sub-paragraph 2.
- (4) Under the paragraph headed “Unvaccinated passengers or passengers vaccinated with unauthorised vaccines”—
- (a) omit sub-paragraph 1;
- (b) for sub-paragraph 2 substitute—
- “1. Book PCR tests to take on or before day 2 and on or after day 8”;
- (c) renumber sub-paragraph 3 as sub-paragraph 2;
- (d) renumber sub-paragraph 4 as sub-paragraph 3;
- (e) in sub-paragraph 3 (as renumbered according to sub-paragraph (d) above), for “self-quarantine” substitute “self-isolate”.
- (5) Under the paragraph headed “Fully vaccinated passengers who are not red-list passengers”, for sub-paragraph 1 substitute—
- “1. Book a PCR test to take on or before day 2”.

Transitional provision

11. 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.

Edward Argar
Minister of State,
Department of Health and Social Care

At 5.18 p.m. on 6th December 2021

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) (“the International Travel Regulations”).

Regulations 4 to 6 together—

- rename Part 1A of the International Travel Regulations,
- in effect move regulation 4 (additional requirements on persons arriving in England who are not eligible travellers) of the International Travel Regulations out of Part 2 (additional requirements on persons arriving in England who are not eligible travellers) to Part 1A and renumber it as regulation 3ZA,
- increase the age at which passengers are required to comply with the requirement to possess notification of a negative result from a qualifying test for the detection of coronavirus (“the pre-departure testing requirement”) from 11 to 12,
- bring eligible travellers into scope of the pre-departure testing requirement, and
- make provision consequent on these changes.

Regulation 7 amends regulation 11 (enforcement of requirement to self-isolate) of the International Travel Regulations in consequence of the amendments made to that instrument by the Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 21) Regulations 2021 (S.I. 2021/1339).

Regulation 8 corrects an error in the Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 13) Regulations 2021 (S.I. 2021/1107) so as to ensure that operators, in discharging the requirement under regulation 17A of the International Travel Regulations to ensure that passengers claiming to be “eligible travellers” have the “required evidence”, are able to accept evidence of having a clinical reason not to be vaccinated.

Regulation 9 amends paragraph 1 of Schedule 7 to the International Travel Regulations so as to require, where a person arriving in England requires valid notification of a negative result from a qualifying test for the detection of coronavirus, that the sample taken for the purposes of the test is taken no more than two (rather than three) days before the commercial transport service on which the person travels to England is due to, or (as the case may be) actually, depart.

Regulation 10 amends Schedule 12 to the International Travel Regulations to update the information which operators must provide to passengers arriving in England.

These Regulations make further minor amendments to the International Travel Regulations.

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

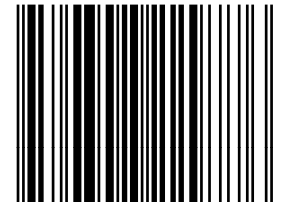
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