
STATUTORY INSTRUMENTS

2021 No. 1463

**The Health Protection (Coronavirus, International
Travel and Operator Liability) (England)
(Amendment) (No. 26) Regulations 2021**

Amendment of regulation 3K

4.—(1) Regulation 3K (self-isolation requirements on eligible travellers) is amended as follows.

(2) In paragraph (1)—

- (a) for “An eligible” substitute “Subject to paragraphs (9) to (9D), an eligible”;
- (b) after “(“P”)” insert “, other than an eligible traveller described in regulation 3I (workers),”.

(3) In paragraph (3)—

(a) for sub-paragraph (a) substitute—

“(a) the time at which—

- (i) P is notified in accordance with paragraph 11(2) of Schedule 8 that the result of a day 2 test taken in accordance with regulation 3J is negative;
- (ii) where P is a relevant child and is accompanied by a person who is required by regulation 3J or 6 to take a day 2 test—

(aa) that person is notified in accordance with paragraph 11(2) of Schedule 8 of the result of that test, or

(bb) where P is accompanied by two or more such persons, the first of them is notified in accordance with paragraph 11(2) of Schedule 8 of the result of that test;

(iii) where—

(aa) P is a relevant child and is not accompanied by any person who is required by regulation 3J or 6 to take a day 2 test, and

(bb) P undertakes an optional day 2 test,

an adult responsible for P receives notification that the result of that test is negative;

(iv) where it is not reasonably practicable for P to undertake a day 2 test in accordance with regulation 3J due to a disability and P is accompanied by a person who is required by regulation 3J or 6 to take a day 2 test—

(aa) that person is notified in accordance with paragraph 11(2) of Schedule 8 of the result of that test, or

(bb) where P is accompanied by two or more such persons, the first of them is notified in accordance with paragraph 11(2) of Schedule 8 of the result of that test;”;

(b) in sub-paragraph (b)(ii), after “(5)(b)” insert “or (5A)(a)”;

(c) in sub-paragraph (b)(iii), after “(5)(c)” insert “or (5A)(b)”.

- (4) After paragraph (5) insert—
- “(5A) Where P is a relevant child who undertakes an optional day 2 test and—
- (a) an adult with responsibility for P receives notification that the test has generated an inconclusive result, paragraph (7) applies;
 - (b) an adult with responsibility for P receives notification that the test has generated a positive result, paragraph (8) applies.”.

(5) In paragraph (7)—

 - (a) in paragraph (b)(i)—
 - (i) after “test”, in first place it occurs, insert “or, where P is a relevant child, a replacement optional day 2 test”;
 - (ii) after “test”, in the second place it occurs, insert “or the optional day 2 test”;
 - (b) in paragraph (b)(ii), after “test” insert “, or, where P is a relevant child, a replacement optional day 2 test,”;
 - (c) in paragraph (b)(iii)—
 - (i) after “test”, in the first place it occurs, insert “, or, where P is a relevant child, a replacement optional day 2 test,”;
 - (ii) after “2 test”, in the second place it occurs, insert “or the optional day 2 test”.

(6) For paragraph (9) substitute—

“(9) If P is an exempted person, P is not required to comply with this regulation.

(9A) For the purposes of paragraph (9), P is an exempted person if, were P not an eligible traveller, P would not be required to comply with regulation 9 by virtue of paragraph (15) of that regulation.

(9B) If P is a person described in any paragraph of Schedule 4 specified in paragraph (9C), P is not required to comply with this regulation while undertaking the work or activity described in that paragraph of Schedule 4.

(9C) The paragraphs of Schedule 4 mentioned in paragraph (9B) are paragraphs 4A, 21, 22, 23, 24, 25, 26, 28, 29, 31, 32, 35, 36, 37, 38, 39, 40 and 41.

(9D) If P is a person described in paragraph 42 of Schedule 4 (critical work related activity), P is not required to comply with this regulation while undertaking, in England, the work-related activity for which P usually travels to another country at least once a week.

(9E) If P is a person described—

 - (a) in paragraph 33 of Schedule 4 (healthcare), paragraph (1) does not require P to remain in isolation in the circumstances set out in that paragraph of that Schedule;
 - (b) in paragraph 44 of Schedule 4 (elite sportsperson), P satisfies the requirements of paragraph (1) if P complies with the relevant conditions specified in paragraph 44(4) of Schedule 4;
 - (c) in paragraph 50 of Schedule 4 (performing arts professionals), paragraph (1) does not—
 - (i) prevent P from travelling between the place where P is self-isolating and the place or places where the performing arts event is, or activities related to the performing arts event are, taking place, or
 - (ii) require P to remain in isolation from any other person who is working on the same performing arts event;
 - (d) in paragraph 51 of Schedule 4 (film or high end TV production), paragraph (1) does not—

- (i) prevent P from travelling between the place where P is self-isolating and the place or places where the production is, or activities related to the production are, taking place, or
 - (ii) require P to remain in isolation from any other person who is working on the same production.”.
- (7) In paragraph (10)—
 - (a) before sub-paragraph (a), insert
 - “(za) “optional day 2 test”, in relation to a relevant child (“C”), means a test meeting the requirements of a day 2 test (within the meaning of regulation 3J) save as to the fact that C is not required by that regulation to take the test;”;
 - (b) after sub-paragraph (a), insert—
 - “(aa) “relevant child” means a child who is under the age of five upon arrival in England;”;
 - (c) after sub-paragraph (b), insert—
 - “(c) “replacement optional day 2 test”, in relation to a relevant child (“C”), means a test meeting the requirements of a day 2 test (within the meaning of regulation 3J) save as to the time at which it is to be taken and the fact that C is not required by that regulation to take the test.”.