

2021 No. 150

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, International Travel)
(England) (Amendment) (No. 7) Regulations 2021**

Made - - - -at 11.00 a.m. on 12th February 2021

Laid before Parliament at 2.00 p.m. on 12th February 2021

Coming into force - - 4.00 a.m. on 15th February 2021

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45B, 45C, 45F(2), 45P(2) and 60A of the Public Health (Control of Disease) Act 1984(a).

In accordance with section 45Q(3) of that Act, the Secretary of State is of the opinion that these Regulations do not contain any provision made by virtue of section 45C(3)(c) of the Act which imposes or enables the imposition of a special restriction or requirement or any other restriction or requirement which has or would have a significant effect on a person's rights.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 7) Regulations 2021 and come into force at 04.00 a.m. on 15th February 2021.

(2) These Regulations extend to England and Wales.

Amendment to the Health Protection (Coronavirus, International Travel) (England) Regulations 2020

2. The Health Protection (Coronavirus, International Travel) (England) Regulations 2020(b) are amended in accordance with regulations 3 to 19.

Amendments to regulation 2

3. Regulation 2 (interpretation) is amended as follows—

(a) after the definition of “immigration officer” insert—

““managed self-isolation package” has the meaning given in paragraph 8 of Schedule B1A”;

(b) after the definition of “Passenger Locator Form” insert—

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

(b) S.I. 2020/568; amended by S.I. 2020/691, 724, 799, 805, 813, 819, 841, 866, 890, 913, 959, 980, 1013, 1039, 1070, 1076, 1094, 1129, 1161, 1190, 1227, 1238, 1277, 1292, 1323, 1337, 1360, 1424, 1517, 1595, 2021/18, 25, 38, 47, 49, 68, 98 and 137.

““port”, except where the context otherwise requires, means—

- (a) any port (including a seaport, airport or heliport), or
- (b) a place which is an authorised terminal control point for international services for the purposes of sections 11 and 12 of the Channel Tunnel Act 1987^(a)”.

Amendment of regulation 3

4. In regulation 3 (requirement to provide information) after paragraph (10A)^(b) insert—

“(10B) Paragraph (10A) does not apply to a person described in paragraph 1(1) of Schedule 2.”.

Insertion of regulation 3B

5. After regulation 3A (requirement to possess notification of negative test result) insert—

“Requirement to book and undertake tests

3B.—(1) This regulation applies to a person (“P”) who—

- (a) is required to self-isolate under regulation 4 (requirement to self-isolate) or Schedule B1A (additional measures), or
- (b) subject to paragraph 13 (exclusion for certain diplomatic etc. personnel) of Schedule 2C, is not required to self-isolate under regulation 4 only by virtue of any of the following provisions of Schedule 2—
 - (i) paragraph 13(1)(c) (persons returning to facilitate diplomatic mission etc.);
 - (ii) paragraphs 17 to 27 (essential infrastructure etc. personnel);
 - (iii) paragraphs 31 to 34 (medical etc. personnel);
 - (iv) paragraphs 35 to 36 (telecoms etc. personnel).

(2) Where P is an adult, P must on their arrival in England possess a testing package—

- (a) for themselves, and
- (b) for any child age 5 or older with whom they are travelling and for whom they have responsibility.

(3) Where P is an adult who arrives in England without possessing a testing package required under paragraph (2), P must as soon as practicable obtain such a testing package.

(4) Where P is a child age 5 or older and who is unaccompanied by an adult who has responsibility for P, an adult with responsibility for P must obtain a testing package as soon as practicable after P arrives in England.

(5) Subject to paragraph (6), where P—

- (a) is an adult, they must undertake the tests in accordance with their testing package;
- (b) is a child, an adult with responsibility for P must, so far as reasonably practicable, ensure that P undertakes the tests in accordance with the testing package.

(6) Where P’s day 2 test generates a positive result, P is not required to undertake a day 8 test.

(7) Where P does not undertake a test as required by this regulation by reason of a reasonable excuse (see regulation 6(1C)(b)), P must, as soon as practicable after the matters giving rise to the reasonable excuse no longer pertain, undertake a test (“a replacement test”) complying with the requirements that apply to the test that was missed.

(8) Where a replacement test is undertaken instead of—

(a) 1987 c. 53; section 11 was amended by S.I. 2009/1941.

(b) Paragraph (10A) was inserted by regulation 3(2) of S.I. 2020/1644.

- (a) a day 2 test, P is to be treated as if they had undertaken a day 2 test in accordance with this regulation;
 - (b) a day 8 test, P is to be treated as if they had undertaken a day 8 test in accordance with this regulation.
- (9) Schedule 2C makes further provision about day 2 and day 8 tests (including the consequences of testing).
- (10) A person who possesses a testing package must provide evidence of it if requested by an immigration officer.
- (11) In this regulation—
- (a) “day 2 test” means a test which complies with paragraph 6 of Schedule 2C and is undertaken in the circumstances described in paragraph 10 of that Schedule;
 - (b) “day 8 test” means a test which complies with paragraph 8 of Schedule 2C and is undertaken in the circumstances described in paragraph 10 of that Schedule;
 - (c) “testing package” means a booking for a day 2 test and a day 8 test where both tests are provided, or arranged to be provided, by the same test provider.”.

Amendment to regulation 4

6. In regulation 4—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a) after “territory” insert “and where sub-paragraph (d) does not apply to P”;
 - (ii) in sub-paragraph (b) after “territory” in the second place it occurs, insert “and where sub-paragraph (d) does not apply to P”;
 - (iii) omit sub-paragraph (c);
 - (iv) at the end insert—
 - “(d) is a person to whom Schedule B1A applies”;
- (b) in paragraph (2) at the end insert “, Schedule 2C, and if paragraph (1)(d) applies to P, in accordance with Schedule B1A”;
- (c) in paragraph (3)—
 - (i) in sub-paragraph (a) for “(c) or (d)” substitute “(d) or (e)”;
 - (ii) omit sub-paragraph (d);
 - (iii) after sub-paragraph (d) insert—
 - “(e) where P is a person described in paragraph (1)(d), in accordance with Schedule B1A”;
- (d) in paragraph (4) after “this regulation” insert “and falls within paragraph (1)(a) or (b)”;
- (e) after paragraph (4) insert—
 - “(4A) Where P is required to comply with this regulation and falls within paragraph (1)(d), the address specified by P in the Passenger Locator Form pursuant to paragraph 2(a) of Schedule 1 must be the designated accommodation which is part of the managed self-isolation package booked by or on behalf of P.”;
- (f) in paragraph (5), at the beginning insert “Except where P falls within paragraph (1)(d)”;
- (g) in paragraph (7)(a) for “last departed from or transited through a non-exempt country or territory”(a) substitute “arrived in England or, if later, the end of any period that applies by virtue of paragraph 2 or 3 of Schedule 2C”;
- (h) omit paragraph (7A);

(a) The words omitted were inserted by regulation 5(4) of S.I. 2020/691.

- (i) after paragraph (7A) insert—
 - “(7B) Paragraphs (8) to (13A) do not apply where P falls within paragraph (1)(d) (and thus Schedule B1A applies).”;
- (j) in paragraph (9)—
 - (i) in sub-paragraph (a) at the end insert “(subject to paragraph 3(1) of Schedule 2C)”;
 - (ii) in sub-paragraph (h) at the end insert “or Schedule 2C”;
- (k) for paragraph (14) substitute—
 - “(14) Paragraphs (13) and (13A) do not apply where P is a person who—
 - (a) is described in paragraph 1(1)(a) to (h) or (k) of or (l) Schedule 2; and
 - (b) arrives in England from a country or territory listed in Schedule B1 or has at any time in the period beginning with the 10th day before the date of their arrival in England departed from or transited through a country or territory listed in Schedule B1.”;
- (l) omit paragraphs (15) and (16).

Amendment to regulation 4B

- 7. In regulation 4B(2) (prohibition of arrival of aircraft into England) at the end insert—
 - “(c) the aircraft is operated by or in support of a foreign country or territory where, prior to its arrival in England, a United Kingdom Government Department has provided written confirmation to the operator that the aircraft is carrying passengers who are travelling to conduct official business with the United Kingdom”.

Amendment to regulation 4C

- 8. In regulation 4C(2) (prohibition on arrival of vessels into England) at the end insert—
 - “(c) a vessel operated by or in support of a foreign country or territory where, prior to its arrival in England, a United Kingdom Government Department has provided written confirmation to the operator that the vessel is carrying passengers who are travelling to conduct official business with the United Kingdom”.

Amendments to regulation 5

- 9. In regulation 5 (enforcement of requirement to self-isolate)—
 - (a) in paragraph (1), in the opening words, after “regulation 4” insert “, or Schedule B1A or Schedule 2C”;
 - (b) after paragraph (1) insert—
 - “(1A) Where an authorised person has reasonable grounds to believe that P is a person who falls within regulation 4(1)(d), an authorised person may do any of the following for the purpose of ensuring that P complies with the requirements in Schedule B1A (additional measures)—
 - (a) give a direction to P, including a direction—
 - (i) that P remain in a particular area of a port to await transportation to accommodation designated for the purposes of Schedule B1A,
 - (ii) that P move to a particular place to board transportation designated for the purposes of Schedule B1A,
 - (iii) that P board transportation designated for the purposes of Schedule B1A to travel to accommodation designated for the purposes of Schedule B1A,
 - (iv) that P remain in the place where P is self-isolating;
 - (b) remove P to accommodation designated for the purposes of Schedule B1A.

(1B) Where an authorised person has reasonable grounds to believe that P is a person who falls within regulation 4(1)(d) and that P has committed an offence under regulation 6(1)(a) or (3), the authorised person may—

- (a) require P to produce their passport or travel document for examination;
- (b) detain P for up to three hours;
- (c) search P and any baggage belonging to P or under P’s control, or any vehicle in which P has travelled, for evidence, other than items subject to legal privilege, that relates to the possible commission of an offence under regulation 6(3); and
- (d) seize and retain any document or article recovered by a search under sub-paragraph (c).

(1C) Paragraph (1B) does not confer a power to detain or search an unaccompanied child.

(1D) Any search under paragraph (1B) must be conducted by an authorised person of the same gender as P.

(1E) Paragraph (1B) does not confer a power to conduct an intimate search.”;

- (c) in paragraph (2), for “Paragraph (1)(b) and (c) does” substitute “Paragraphs (1)(b) and (c), (1A)(b) and (1B) do”.
- (d) in paragraph (3)—
 - (i) for “A constable”(a) substitute “An authorised person”,
 - (ii) for “(1)(b) or (c)”, substitute “(1)(b) or (c), (1A)(b) or (1B)”;
- (e) in paragraph (5), after “regulation 4” insert “or Schedule B1A”;
- (f) in paragraph (6)—
 - (i) for “paragraph (1), (4)” substitute “paragraph (1), (1A), (4)”,
 - (ii) at the end insert “or Schedule B1A”;
- (g) in paragraph (7) omit the “or” at the end of sub-paragraph (a) and after sub-paragraph (a) insert—
 - “(aa) for the purposes of paragraphs (1A) and (1B) only, an immigration officer, or”.

Insertion of regulation 5A

10. After regulation 5 insert—

“Power of entry

5A.—(1) A constable may enter premises in order—

- (a) to search for a person who is suspected of committing an offence of contravening the requirement in paragraph 10 of Schedule B1A (duty to self-isolate);
- (b) to remove a person of the description in sub-paragraph (a) to accommodation designated by the Secretary of State for the purposes of Schedule B1A.

(2) The power in paragraph (1) is exercisable if the constable—

- (a) has reasonable grounds to believe that a person of the description in paragraph (1)(a) is in or on the premises; and
- (b) has a reasonable belief that it is necessary and proportionate to enter the premises for the purposes specified in paragraph (1)(b).

(3) A constable exercising the power in paragraph (1)—

- (a) may use reasonable force if necessary; and
- (b) may be accompanied by a police community support officer.

(a) The words “A constable” were substituted by paragraph 2(3) of the Schedule to S.I. 2020/1375.

- (4) A constable exercising the power in paragraph (1)—
 - (a) if asked by a person on the premises, must show evidence of the constable’s identity and outline the purpose for which the power is being exercised; and
 - (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the constable found them.
- (5) In this regulation, “premises” includes any building or structure and any land.”.

Amendment to regulation 6

11. In regulation 6 (offences and penalties)—

- (a) after paragraph (1)(aa) insert—
 - “(ab) without reasonable excuse contravenes a requirement in regulation 3B.”;
- (b) for paragraph (1)(b) substitute—
 - “(b) without reasonable excuse contravenes a requirement in paragraph 5 or 16(a) of Schedule B1A, or contravenes a requirement in any other paragraph of that Schedule (except paragraph 15) or in regulation 4.”;
- (c) in paragraph (1)(c) after “regulation 5” insert “apart from paragraph (1A) of that regulation” and insert “, or” at the end of that paragraph;
- (d) after paragraph (1)(c) insert—
 - “(d) without reasonable excuse contravenes a requirement in or imposed under regulation 5(1A)”;
- (e) in paragraph (1A)(a)—
 - (i) omit the “or” at the end of sub-paragraph (a),
 - (ii) insert “, or” at the end of sub-paragraph (b),
 - (iii) at the end insert—
 - “(c) Schedule B1A if the accommodation or transport booked is no longer available for reasons beyond the person’s control”;
- (f) after paragraph (1B) insert—
 - “(1C) For the purposes of paragraph (1)(ab)—
 - (a) reasonable excuses for contravening regulation 3B(2), (3) or (4) include, in particular, where—
 - (i) it was not reasonably practicable for a person to book a test due to a disability,
 - (ii) a person reasonably considered before arriving in England that it would not be reasonably practicable for the person (or, as the case may be, the child for whom the person has responsibility) to provide a sample for a test in accordance with regulation 3B due to a disability,
 - (iii) a person required medical treatment with such urgency that booking a test was not reasonably practicable,
 - (iv) a person was accompanying, in order to provide support, whether medical or otherwise, a person described in paragraph (i) or (iii) where it was not reasonably practicable for the accompanying person to book a test,
 - (v) a person began their journey to England in a country or territory in which the person did not have reasonable access to the facilities or services required to book a test, with or without payment, and such facilities or services were not reasonably accessible in their last point of departure if this was different to where they began their journey,

(a) Paragraph (1A) was inserted by regulation 2(4) of S.I. 2020/1337 and was amended by regulation 3(4)(b) of S.I. 2021/38.

- (b) reasonable excuses for contravening regulation 3B(5) include, in particular, where—
 - (i) it is not reasonably practicable for P to undertake a test due to a disability,
 - (ii) P requires medical treatment with such urgency that undertaking a test is not reasonably practicable,
 - (iii) a test is cancelled for reasons beyond P’s control,
 - (iv) P has left England in accordance with regulation 4(7)(b), or left the common travel area in accordance with or paragraph 13(a) of Schedule B1A.”.

Amendment to regulation 7

12. In regulation 7 (fixed penalty notices)—

- (a) in paragraph (5)—
 - (i) after “regulation 6(1)(c),”**(a)** insert “except in so far as it relates to Schedule B1A,”,
 - (ii) after “regulation 4 or 5” insert “other than paragraph (1B) and other than in relation to Schedule B1A”
- (b) in paragraph (5A)**(b)**, after “regulation 6(1)(b)” insert “other than an offence in respect of a requirement in Schedule B1A (additional measures)”;
- (c) after paragraph (5A) insert—

“(5AA) Where the fixed penalty notice is issued to a person in respect of an offence described in regulation 6(1)(b) (for contravention in respect of a requirement in Schedule B1A except under paragraph 3 or 5), or an offence described in regulation 6(1)(c) (for contravention of a requirement in or imposed under regulation 5 in so far as it relates to Schedule B1A or regulation 5(1B)), or regulation 6(1)(d) or regulation 6(2) where the person is believed to have wilfully obstructed any person carrying out a function in relation to Schedule B1A, regulation 5 in so far as it relates to that Schedule or regulation 5(1B), then the amount specified under paragraph (4)(c) must be—

 - (a) in the case of the first fixed penalty notice, £5,000,
 - (b) in the case of the second fixed penalty notice, £8,000,
 - (c) in the case of the third and subsequent fixed penalty notice, £10,000.

(5AB) Where the fixed penalty notice is issued to a person in respect of an offence described in regulation 6(1)(b) in respect of the requirement under paragraph 3 of Schedule B1A, or an additional measures offence under regulation 6(3), then the amount specified under paragraph (4)(c) must be £10,000.

(5AC) In paragraph (5AB) “an additional measures offence” means the intentional or reckless provision of false or misleading passenger information relating to the person’s travel history in relation to a country or territory listed in Schedule B1.”;
- (d) in paragraph (6), at the beginning insert “Subject to paragraph (5AB)”;
- (e) after paragraph (6A)**(c)** insert—

“(6ZB) Where the fixed penalty notice is issued to a person in respect of an offence described in regulation 6(1)(ab), then the amount specified under paragraph (4)(c) must be—

 - (a) in the case of a fixed penalty notice issued in respect of a failure to possess a testing package in accordance with regulation 3B(2), £1,000,
 - (b) in the case of a fixed penalty notice issued in respect of a failure to obtain a testing package in accordance with regulation 3B(3), £2,000,

(a) The words “regulation 6(1)(2)” were substituted by S.I. 2020/1070.
 (b) Paragraph (5A) was inserted by regulation 2(3)(b) of S.I. 2020/1070.
 (c) Paragraph (6A) was inserted by regulation 3(5)(b) of S.I. 2021/38.

- (c) in the case of a fixed penalty notice issued in respect of a failure to obtain a testing package in accordance with regulation 3B(4), £1,000,
- (d) in the case of the first fixed penalty notice issued in respect of a failure to undertake a test in accordance with regulation 3B(5) or (7), £1,000,
- (e) in the case of the second fixed penalty notice issued in respect of a failure to undertake a test in accordance with regulation 3B(5) or (7), £2,000.”;
- (f) in paragraph (10)(b) for “regulation 6(1)(aa)” substitute “6(1)(a), 6(1)(aa), 6(1)(ab), 6(1)(b) (for failure to comply with a requirement under Schedule B1A), 6(1)(d), 6(2) and 6(3)”.

Amendment to regulation 9

13. In regulation 9 (power to use and disclose information)—

- (a) in paragraph (2)(b) omit “or”;
- (b) at the end of paragraph (2) insert—
 - “(d) where a person (“B”) is required to self-isolate under these Regulations—
 - (i) the details of any such period of self-isolation (including the start and end dates of that period and the reason it was imposed);
 - (ii) a copy of any notice given to B which contains information about the requirement to self-isolate;
 - (iii) information generated where B books, or attempts to book, accommodation as part of a managed self-isolation package;
 - (iv) the details of any location in which B undertakes any period of managed self-isolation (including the name and address of the location);
 - (v) information relating to B obtained by P in the course of providing accommodation to B pursuant to a managed self-isolation package (including B’s room number, the personal details of any of B’s co-habitants, and the details of any absence of B, authorised or otherwise, from the place where B is self-isolating);
 - (vi) information relating to B obtained by P in the course of providing transport to a location at which B undertakes, or is due to undertake, any period of managed self-isolation;
 - (vii) information relating to B obtained by P in the course of providing any service in connection with a managed self-isolation package,
- (e) where B is required to obtain a testing package or undertake a test under regulation 3B or Schedule 2C—
 - (i) information generated where B books, or attempts to book, a testing package for the purposes of regulation 3B;
 - (ii) a copy of any notice given to B which contains information about the requirement to book a testing package or to undertake a test;
 - (iii) information P obtained under paragraph 10(3) or (4) of Schedule 2C;
 - (iv) the results of a test undertaken by B in accordance with Schedule 2C (whether or not that test was provided as part of a testing package);
 - (v) information obtained by P in the course of providing a test that falls within paragraph (iv) and is undertaken, or in the course of arranging for such a test to be undertaken, by B (including confirmation that the test was undertaken, details of when and where it was undertaken, any reasons for a test not being undertaken and the details of any replacement test to be undertaken),
- (f) information provided to an immigration officer pursuant to regulations 3(7), 3A(4) or 3B(5), or

- (g) where a sample taken in respect of a day 2 test under regulation 3B has been sequenced, the sorted BAM file relating to that sample containing all reads aligning to the SARS-CoV-2 reference genome with unaligned and human reads removed.”;
- (c) after paragraph (4) insert—
 - “(4A) A constable or a person responsible for arranging or providing services (including security services) in respect of accommodation as part of a managed self-isolation package may, where necessary for the purpose of carrying out a function under these Regulations, request from B the following information—
 - (a) confirmation that B possesses a testing package for the purposes of regulation 3B and the details of that testing package (including the time and date of the tests);
 - (b) confirmation that B has undertaken any test in accordance with a testing package and, if not, an account of the reasons;
 - (c) the result of any test B has undertaken in accordance with a testing package.”;
- (d) at the end of paragraph (8) insert—
 - “(c) “managed self-isolation” means self-isolation in accordance with Schedule B1A.”.

Amendment to regulation 10

- 14.** In regulation 10(3) (self-incrimination)—
 - (a) omit the word “or” at the end of sub-paragraph (a);
 - (b) at the end insert—
 - “(c) an offence under section 1 of the Fraud Act 2006 (fraud)(a)”.

Insertion of Schedule B1A

- 15.** After Schedule B1 (countries and territories subject to additional measures) insert—

“SCHEDULE B1A Regulation 4
Additional measures

Application of this Schedule

1. Subject to paragraph 2, this Schedule applies to a person (“P”) who arrives in England from a country or territory listed in Schedule B1 or has at any time in the period beginning with the 10th day before the date of their arrival in England departed from or transited through a country or territory listed in Schedule B1.

- 2.—**(1) This Schedule does not apply where P is—
 - (a) a person described in paragraph 1(1)(a) to (h) or (k)(b) of Schedule 2 or a member of the family forming part of their household;
 - (b) a person described in paragraph 1(1)(i) or (j) of Schedule 2 where the conditions in sub-paragraph (2) are met;
 - (c) a member of the family forming part of the household of a person to whom paragraph (b) applies, where—

(a) 2006 c. 35; section 1(3)(a) is modified by paragraph 1 of Schedule 2 to that Act.
 (b) Paragraph 1 was amended by S.I. 2020/942.

- (i) the conditions in sub-paragraph (2) are met in relation to the person to whom paragraph (b) applies,
 - (ii) the Foreign, Commonwealth and Development Office has been notified of P's arrival, and
 - (iii) the Foreign Commonwealth and Development Office has confirmed that P is not required to comply with this Schedule;
- (d) a person described in paragraph 13(1)(b) or (c) of Schedule 2 where the relevant Department has certified that P meets this description and that P is not required to comply with this Schedule;
- (e) a Crown servant or government contractor who is required to undertake essential policing or essential government work in the United Kingdom within the period during which, but for this paragraph, they would have had to self-isolate in accordance with this Schedule, or is returning from conducting such work outside of the United Kingdom, where the relevant Department has certified that P meets this description and that P is not required to comply with this Schedule;
- (f) a person who is required to undertake essential or emergency work in the United Kingdom or is returning from conducting such work outside of the United Kingdom, where the relevant Department has certified P's work as necessary to facilitate essential government work or essential state business and that P is not required to comply with this Schedule;
- (g) a person who falls within any of the following paragraphs of Schedule 2—
- (i) paragraph 2 (UK border activities)(a)
 - (ii) paragraph 3 (defence activities)(b)
 - (iii) paragraph 4 (border security)(c),
 - (iv) paragraph 5 (transit passengers),
 - (v) paragraph 6 (road haulage workers)(d) unless P has at any time during the period beginning with the 10th day before the date of P's arrival in England departed from or transited through a country or territory listed in Schedule B1 apart from The Azores, Madeira or Portugal,
 - (vi) paragraph 15 or 16 (extradition escorts).
- (2) The conditions specified in this sub-paragraph are that, prior to P's departure to the United Kingdom—
- (a) the relevant head of the mission, consular post, or office representing a foreign territory in the United Kingdom, or a Governor of a British overseas territory (as the case may be), or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake work in the United Kingdom which is essential to the foreign territory represented by the mission or consular post, the foreign territory represented by the office or the British overseas territory; and
 - (b) the Foreign, Commonwealth and Development Office has then confirmed in writing to the person giving the confirmation referred to in paragraph (a) that—
 - (i) it has received that confirmation, and
 - (ii) P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with this Schedule.
- (3) Where a word or expression is defined for the purposes of Schedule 2 and is used in this paragraph, the same definition applies for the purposes of this paragraph.

(a) Paragraph 2 was amended by S.I. 2020/813.
 (b) Paragraph 3 was amended by S.I. 2020/691, 2020/813, 2020/1161, 2020/1517,
 (c) Paragraph 4 was amended by S.I. 2020/813.
 (d) Paragraph 6 was amended by S.I. 2020/691.

Limitation on ports of entry

3. P may only enter England at a port designated for the purposes of this Schedule.

4. The following ports are designated for the purposes of this Schedule—

- (a) Heathrow Airport;
- (b) Gatwick Airport;
- (c) London City Airport;
- (d) Birmingham Airport;
- (e) Farnborough Airport;
- (f) any military airfield or port.

Duties on arrival

5. P must, on their arrival in England, be in possession of a managed self-isolation package.

6. P must, on arrival in England, travel directly to the accommodation designated in the managed self-isolation package booked for P, using the means of transport designated in that package.

7. If P is not in possession of a managed self-isolation package on their arrival in England, P must as soon as practicable obtain a managed self-isolation package and travel directly to the accommodation designated in that package using the means of transport designated in that package.

8. In this Schedule a “managed self-isolation package” means—

- (a) a booking for a place in accommodation designated by the Secretary of State for the purposes of this Schedule;
- (b) a booking for transport facilitated by the Secretary of State to the accommodation referred to in sub-paragraph (a); and
- (c) a testing package required by regulation 3B.

Charge for managed self-isolation package

9. The Secretary of State or a person designated by the Secretary of State may impose a charge in relation to the accommodation, transport and testing package mentioned in the definition of a “managed self-isolation package” and the Secretary of State may recover any sum owed by P pursuant to such a charge as a debt.

Duty to self-isolate and period of self-isolation

10. Unless P leaves the common travel area where P is permitted to do so under these Regulations, P must self-isolate in the place in the accommodation designated in the managed self-isolation package until whichever is the later of—

- (a) the end of the period of 10 days beginning with the day after P’s arrival in England;
- (b) the end of the period for which P is required to self-isolate under Schedule 2C.

Exceptions from duty to self-isolate

11. Paragraph 10 does not require P to remain in self-isolation—

- (a) from any person with whom they were travelling when they arrived in England and who is also self-isolating in the place where P is self-isolating;
- (b) from any person who is staying in the place where P is self-isolating whose assistance P reasonably requires by reason of—
 - (i) P being a child, or
 - (ii) any disability of P's.

12. Paragraph 10 does not require P to remain in self-isolation from a person (“V”) when V is at the place where P is self-isolating in exceptional circumstances such as—

- (a) to provide emergency assistance;
- (b) to provide care or assistance, including relevant personal care within the meaning of paragraph 1(1B) or 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006^(a);
- (c) to provide medical assistance to P or to any other person who is staying in the place where P is self-isolating where this is urgently required or on the advice of a registered medical practitioner.
- (d) to provide veterinary services where this is required urgently or on the advice of a veterinary surgeon;
- (e) to provide critical public services including social services or services provided to victims (such as victims of crime).

Permitted reasons to leave or be outside place of self-isolation

13.—(1) During the period of their self-isolation P may not leave or be outside of the place where P is self-isolating except—

- (a) to travel directly to a port to leave the common travel area;
- (b) to fulfil a legal obligation, including attending court or satisfying bail conditions or to participate in legal proceedings;
- (c) to take exercise;
- (d) to visit a person (“D”) whom P reasonably believes is dying, and where P is a member of D's household or a close family member or friend of D;
- (e) to attend the funeral of a member of P's household or a close family member;
- (f) in other exceptional circumstances such as—
 - (i) to seek medical assistance where this is required urgently or on the advice of a registered medical practitioner including to access services from dentists, opticians, audiologists, chiropodists, chiropractors, osteopaths and other medical and health practitioners, including services relating to mental health,
 - (ii) to access critical public services including social services or services provided to victims (such as victims of crime),
 - (iii) to avoid injury or illness or to escape risk of harm,
 - (iv) to access veterinary services where this is required urgently or on the advice of a veterinary surgeon.

(2) P may only leave or be outside of the place where P is self-isolating in reliance on the grounds mentioned in sub-paragraph (1)(c), (d) or (e)—

^(a) 2006 c. 47; paragraph 1(1B) of Schedule 4 was inserted by section 64(3) of the Protection of Freedoms Act 2012 (c. 9) and paragraph 7(3B) was substituted by section 66(2) of that Act.

- (a) if P has been given prior permission by a person authorised by the Secretary of State for this purpose;
- (b) if P complies with any reasonable requirements imposed by the person so authorised in relation to the exercise, the visit to the person or attendance at the funeral.

Meaning of “place”

14. For the purposes of this Schedule the place referred to in paragraphs 8 to 13 means the room in the designated accommodation where P is staying and if connected to the room where P is staying, the room of any person referred to in paragraph 11(a) (travelling companion), including any balcony, and does not include the communal areas or any garden, yard, passage, stair, garage, outhouse or appurtenance of the accommodation in which the place is situated.

Designations

15. The Secretary of State must designate for the purposes of this Schedule—

- (a) accommodation,
- (b) transportation to the designated accommodation,

and must publish details of the designations in such manner as appears to the Secretary of State to be appropriate.

Duties where P is a child

16. If P is a child—

- (a) any person who has custody or charge of P when P is travelling to England must ensure, so far as is reasonably practicable, that P complies with the obligations in paragraphs 5 and 6;
- (b) any person who has custody or charge of P during P’s period of self-isolation must ensure, so far as is reasonably practicable, that P self-isolates in accordance with this Schedule.

Person caring for P

17. A person may reside in the place where P is residing pursuant to this Schedule to provide assistance P reasonably requires by reason of—

- (a) P being a child; or
- (b) any disability of P’s,

and paragraphs 10 to 13 apply to that person as they apply to P for the period those paragraphs apply to P.

Modification of application of this Schedule where P is a relevant person

18.—(1) Where P is a relevant person, this Schedule applies to P with the following modifications—

- (a) the reference in paragraph 6 to the means of transport designated in the managed self-isolation package booked for P are to be read as references to transport determined by the Secretary of State;

- (b) the references in paragraphs 6, 9 and 10 to a managed self-isolation package are to be read as references to a self-isolation package containing such provisions as to accommodation, transport and testing as the Secretary of State considers appropriate;
 - (c) paragraph 7 does not apply to P.
- (2) P is a relevant person if—
- (a) P is—
 - (i) a person requiring urgent medical assistance,
 - (ii) a person on immigration bail,
 - (iii) a person who has been detained by an immigration officer,
 - (iv) a person who has been refused leave to enter the UK,
 - (v) an illegal entrant,
 - (vi) an asylum seeker,
 - (vii) a person who is in police custody,
 - (viii) a prisoner,
 - (ix) a potential victim of modern slavery; and
 - (b) the Secretary of State has confirmed in writing that this paragraph applies in relation to P and has not withdrawn that confirmation.”.

Amendment to Schedule 1

16. In Schedule 1 (passenger information)—

- (a) in paragraph 2(a)(i) (a), after “self-isolate” insert “and including, where regulation 4(1)(d) applies, the booking reference number for the managed self-isolation package booked by or on behalf of P”;
- (b) after paragraph 6 insert—

“7. Where regulation 3B requires a testing package—

- (a) the name of the provider of the tests, and
- (b) the reference number for the tests provided to them by the test provider in accordance with paragraph 10(4) of Schedule 2C.”.

Amendment to Schedule 2

17. For sub-paragraph (2) of paragraph 5 of Schedule 2 (transit passengers), substitute—

“(2) For the purposes of sub-paragraph (1), “transit passenger” means a person who on arrival in the United Kingdom—

- (a) passes through to another country or territory outside the common travel area without entering the United Kingdom; or
- (b) enters the United Kingdom for the sole purpose of continuing a journey to a country or territory outside the common travel area and—
 - (i) remains within their port of entry until their departure from England, or
 - (ii) travels directly from their port of entry to another port of departure in England.”.

(a) Paragraph 2(a) was substituted by regulation 2(5)(a) of S.I. 2020/913.

Amendment to Schedule 2A

18. Schedule 2A is amended as follows—

- (a) in the heading, for “Testing” substitute “Optional testing”;
- (b) in paragraph 1 after “to self-isolate” insert “other than in accordance with Schedule B1A”;
- (c) for paragraph 2(1)(b)(i) substitute—
 - “(i) a sensitivity greater than 95% (with 95% two-sided confidence interval entirely above 90%);”;
- (d) for paragraph 2(1)(b)(ii) substitute—
 - “(ii) a specificity greater than 95% (with 95% two-sided confidence interval entirely above 90%);”;
- (e) in paragraph 2—
 - (i) in sub-paragraph (1)(b)(ii) omit “and”;
 - (ii) at the end of sub-paragraph (1)(b)(iii) insert “and”;
 - (iii) after sub-paragraph (1)(b)(iii) insert—
 - “(iv) uses an established molecular detection method.”
 - (iv) omit sub-paragraph (1)(c)(iii);
 - (v) in the introductory words to sub-paragraph (2)(d) for the words from “a sensitivity of at least” to “250 negative samples” substitute—

“the required sensitivity and specificity using at least 150 positive clinical samples and 250 negative clinical samples against a laboratory-based RT-PCR test that is itself within the performance specification of the target product profile published by the Medicines and Healthcare Products Regulatory Agency(a) for laboratory based SARS-CoV-2 PCR tests”;
 - (vi) in sub-paragraph (2)(d)(iii) at the end insert “or the device manufacturer”;
- (f) in paragraph 4(a), for the words “last departed” to the end substitute “arrived in England”;
- (g) in paragraph 5(3), in Form B (positive test result)—
 - (i) in the second paragraph for “your test date” substitute “the day after your test date”;
 - (ii) in the third paragraph for “the day you” substitute “the day after you”.

Insertion of Schedule 2C

19. After Schedule 2B insert—

“SCHEDULE 2C

Regulation 3B(9)

Mandatory testing after arrival in England

Interpretation of Schedule 2C

1.—(1) In this Schedule—

- (a) “default self-isolation period” means—
 - (i) in the case of a non-Schedule B1A arrival, the period specified in paragraph (7)(a) of regulation 4 (requirement to self-isolate);

(a) The target product profile was published on 20 January 2021 and is available at <https://www.gov.uk/government/publications/how-tests-and-testing-kits-for-coronavirus-covid-19-work/target-product-profile-antibody-tests-to-help-determine-if-people-have-recent-infection-to-sars-cov-2-version-2>

- (ii) in the case of a Schedule B1A arrival, the period specified in paragraph 10(a) of Schedule B1A;
 - (b) “mandatory test” means a day 2 test or a day 8 test within the meaning of regulation 3B(11);
 - (c) “non-Schedule B1A arrival” means a person to whom paragraph (1)(a) or (b) of regulation 4 applies;
 - (d) “P” means, subject to paragraph 13, a person required to undertake a mandatory test under regulation 3B (requirement to book and undertake tests);
 - (e) “private provider” means a test provider other than a public provider;
 - (f) “public provider” means a test provider who provides or administers a test under the National Health Service Act 2006, the National Health Services (Wales) Act 2006, the National Health Service (Scotland) Act 1978, or the Health and Personal Social Services (Northern Ireland) Order 1972;
 - (g) “relevant self-isolation provisions” means—
 - (i) in relation to a Schedule B1A arrival, regulation 4 and Schedule B1A;
 - (ii) in relation to a non-Schedule B1A arrival, regulation 4;
 - (h) “Schedule B1A arrival” means a person to whom Schedule B1A (additional measures) applies;
 - (i) “the Self-Isolation Regulations” means the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020(a).
- (2) Where this Schedule requires P to continue to self-isolate in accordance with the relevant self-isolation provisions—
- (a) regulation 6 (offences and penalties) applies in relation to that requirement as it applies in relation to the relevant self-isolation provisions;
 - (b) such a requirement to self-isolate does not apply in respect of a person exempt from regulation 4.

Requirement to self-isolate on failure to undertake a mandatory test

2.—(1) This paragraph applies where—

- (a) either—
 - (i) P fails to undertake a day 2 test, or
 - (ii) P’s day 2 test generates a negative or inconclusive result, and
- (b) P fails to undertake a day 8 test.

(2) Subject to sub-paragraph (3), P must continue to self-isolate in accordance with the relevant self-isolation provisions until the end of the 14th day after the day on which they arrived in England.

- (3) Where P undertakes a test to which paragraph 3(7)(b) applies and which generates—
- (a) a positive result, paragraph 3(1) applies as if the test were a mandatory test;
 - (b) a negative result, paragraph 3(4) applies as if—
 - (i) P had taken both a day 2 test and a day 8 test, and
 - (ii) both tests had generated a negative result.

(a) S.I. 2020/1045, amended by S.I. 2020/1375, 2020/1518 and 2021/97.

Consequences of test results

3.—(1) Subject to paragraphs 4 (optional tests) and 5 (tests other than in accordance with these Regulations), where a mandatory test undertaken by P in accordance with regulation 3B generates a positive result—

- (a) the following do not apply in relation to P—
 - (i) regulation 4(9)(a) or, as the case may be, paragraph 13(1)(a) of Schedule B1A (leaving self-isolation to travel in order to leave England);
 - (ii) subject to sub-paragraph (2), regulation 2 (requirements on person notified of positive test) of the Self-Isolation Regulations, and
- (b) P and, subject to sub-paragraph (3), any person who is self-isolating with P must continue to self-isolate in accordance with the relevant self-isolation provisions until the end of the 10th day after the day P undertook the test.

(2) Regulation 2 of the Self-Isolation Regulations continues to apply to a person within regulation 3B(1)(b).

(3) Where a person (“B”) is self-isolating with P pursuant to the relevant self-isolation provisions, the requirement to self-isolate under sub-paragraph (1)(b) does not apply to B where—

- (a) the test referred to in sub-paragraph (1) is P’s day 8 test, and
- (b) B undertook a day 2 test that generated a positive result.

(4) Subject to paragraph 4, where P’s day 2 test and day 8 test both generate a negative result, P must continue to self-isolate in accordance with the relevant self-isolation provisions until the later of—

- (a) the end of the default self-isolation period;
- (b) the day on which P receives the result of their day 8 test.

(5) Where a mandatory test undertaken by P generates an inconclusive result P must continue to self-isolate in accordance with the relevant self-isolation provisions—

- (a) until the end of the 10th day after the day P undertook the test,
- (b) where P undertakes a test to which sub-paragraph (7) applies and the test generates a negative result, until the later of—
 - (i) the end of the default self-isolation period;
 - (ii) the day on which P receives the negative result, or
- (c) where P undertakes a test to which sub-paragraph (7) applies and the test generates a positive result, until the end of the 10th day after the day P undertook the test.

(6) Where sub-paragraph (5)(c) applies, P is not required to undertake a day 8 test in accordance with regulation 3B.

(7) This sub-paragraph applies to—

- (a) a day 8 test;
- (b) a test—
 - (i) complying with the requirements for a day 8 test specified in paragraphs 8 and 9 (other than the requirement in paragraph 9(1)(e) that the test be administered or provided to P no earlier than the end of the seventh day after the day on which P arrived in England),
 - (ii) undertaken in the circumstances specified in paragraph 10 (other than the circumstances in paragraph 10(2) about when a test must be undertaken), and
 - (iii) undertaken during the period specified in sub-paragraph (5)(a).

Optional tests

4.—(1) This paragraph applies where P—

- (a) is a non-Schedule B1A arrival, and
 - (b) undertakes a day 2 test which generates a negative or inconclusive result.
- (2) P may undertake a test in accordance with Schedule 2A (optional testing after arrival in England), and, where the test generates a negative result, regulation 4(13A) applies in relation to P for the purpose of determining when P ceases to be required to self-isolate.
- (3) P must in any event undertake the day 8 test booked in accordance with regulation 3B.
- (4) Where P ceases to be required to self-isolate under these Regulations in accordance with regulation 4(13A), paragraph 3(1), (4) and (5) do not apply in relation to P's day 8 test.

Tests other than in accordance with these Regulations

- 5.—**(1) This paragraph applies where—
- (a) P is a non-Schedule B1A arrival,
 - (b) P undertakes a day 2 test which generates a negative result,
 - (c) while P is self-isolating under these Regulations, P subsequently undertakes a test other than in accordance with these Regulations, and
 - (d) P is notified that such test generates a positive result.
- (2) P ceases to be required to self-isolate in accordance with these Regulations, and regulation 2 of the Self-Isolation Regulations applies in relation to P.

Day 2 tests: general test requirements

- 6.—**(1) For the purposes of regulation 3B(11)(a), a day 2 test complies with this paragraph where—
- (a) it is a test provided by a public provider, or
 - (b) it is a test provided by a private provider—
 - (i) on or after 1st March 2021,
 - (ii) where the test complies with sub-paragraph (2), and
 - (iii) where the private provider complies with paragraph 7.
- (2) A test complies with this sub-paragraph where—
- (a) it is a semi-quantitative test for the detection of coronavirus which—
 - (i) targets a minimum of two distinguishable SARS-CoV-2 genes other than the S gene and performance reference controls,
 - (ii) includes routine in silico assurance against every variant of concern, and
 - (iii) produces a test solution that provides extracted nucleic acid that is suitable for whole genome sequencing using a specified method,
 - (b) it is, in relation to a Schedule B1A arrival, a test that can be self-administered,
 - (c) the manufacturer of any device used for the purposes of the test states that the device—
 - (i) uses an established molecular detection method,
 - (ii) has a specificity and a sensitivity greater than 99% (with a 95% two-sided confidence interval entirely above 97%),
 - (iii) has a limit of detection of less than or equal to 1000 SARS-CoV-2 copies per millilitre, and
 - (iv) is suitable for identifying every variant of concern, and
 - (c) any device used for the purposes of the test—

- (i) can be put into service in accordance with Part 4 of the Medical Devices Regulations 2002, other than solely by virtue of regulation 39(2) of those Regulations, and
 - (ii) has been validated no more than 18 months before the test is administered or provided to P.
- (3) For the purposes of sub-paragraph (2)—
- (a) “specified method” means a targeted sequence method specific to SARS-CoV-2 or an equivalent—
 - (i) amplicon method, or
 - (ii) sequence bait capture method;
 - (b) “validated”, in relation to a device, has the meaning given by paragraph 2(2)(d) of Schedule 2A;
 - (c) “variant of concern” means a variant of SARS-CoV-2 identified in a designation made by the Secretary of State for the purposes of this paragraph and published in a manner as appears to the Secretary of State to be appropriate.

Day 2 tests: private provider requirements

7.—(1) For the purposes of paragraph 6(1)(b)(iii), a private provider complies with this paragraph where—

- (a) they comply with the requirements of paragraph 3(1)(a) and (e) to (h) of Schedule 2A as if any reference in those provisions to an appropriate test were a reference to a day 2 test,
- (b) they have made a declaration to the Department of Health and Social Care that they meet the minimum standards for private sector-provided testing at <https://support-covid-19-testing.dhsc.gov.uk/InternationalTesting>,
- (c) the person responsible for the taking of samples meets the relevant requirements for accreditation to ISO standard 15189 or ISO/IEC standard 17025 in respect of the taking of samples,
- (d) the laboratory used by the test provider for the processing of samples meets the relevant requirements for accreditation to—
 - (i) in respect of the evaluation of the established molecular detection method, ISO standard 15189 or ISO/IEC standard 17025;
 - (ii) in respect of the genome sequencing of samples, ISO standard 15189,
- (e) they receive the information required by paragraph 10(3) or (4) (as appropriate), and they administer or provide the test to P no later than the end of the second day after the day on which P arrived in England,
- (f) they sequence each sample with a cycle threshold less than 30 (equivalent to ~1,000 viral genome copies per millilitre),
- (g) in respect of the sequencing of samples, they must secure a reference genome coverage breadth of at least 50% and at least 30 times coverage,
- (h) on a request by the Secretary of State or the COVID-19 Genomics UK Consortium, they make samples available for the purpose of dual sequencing,
- (i) they preserve and transport samples in a manner that enables genome sequencing,
- (j) they have in place a process to remove human reads from any data submitted in a notification to Public Health England pursuant to the Health Protection (Notification) Regulations 2010(a), and

(a) S.I. 2010/659, amended by S.I. 2013/235, 2018/378, 2020/237, 2020/674 and 2020/1175.

- (h) if they arrange with another person (“X”) for X to carry out any element of the single end-to-end testing service on their behalf, the test provider ensures that X complies with the following so far as relevant to the carrying out of that element—
 - (i) paragraph 3(1)(e) to (h) of Schedule 2A as applied by sub-paragraph (1)(a);
 - (ii) sub-paragraph (1)(c) to (i);
 - (iii) paragraph 11(2), (3) and (4).

(2) For the purposes of sub-paragraph (1)(h), “single end-to-end testing service” has the meaning given in paragraph 3(2)(c) of Schedule 2A.

(3) For the purposes of sub-paragraph (1)(c) and (d), a person or laboratory (as the case may be) meets the relevant requirements for accreditation to a standard where the person who is the operator of the laboratory complies with the requirements of regulation 6 of the Health Protection (Coronavirus, Testing Requirements and Standards) (England) Regulations 2020(a) as if—

- (a) a reference to an applicable test were a reference to a day 2 test;
- (b) a reference to a test provider were a reference to a private provider.

Day 8 tests: general test requirements

8.—(1) For the purposes of regulation 3B(11)(b), a day 8 test complies with this paragraph where—

- (a) it is a test provided by a public provider, or
- (b) it is a test provided by a private provider—
 - (i) on or after 1st March 2021,
 - (ii) where the test complies with sub-paragraph (2), and
 - (iii) where the private provider complies with paragraph 9.

(2) A test complies with this sub-paragraph where—

- (a) it is a semi-quantitative test for the detection of coronavirus which targets a minimum of two distinguishable SARS-CoV-2 genes other than the S gene and performance reference controls,
- (b) it is, in relation to a Schedule B1A arrival—
 - (i) a test which requires laboratory processing, and
 - (ii) a test which can be self-administered,
- (c) the manufacturer of any device used for the purposes of the test states that the device—
 - (i) uses an extracted molecular method,
 - (ii) has a specificity and a sensitivity greater than 95% (with a 95% two-sided confidence interval entirely above 90%), and
 - (iii) has a limit of detection of less than or equal to 1000 SARS-CoV-2 copies per millilitre, and
- (d) any device used for the purposes of the test—
 - (i) can be put into service in accordance with Part 4 of the Medical Devices Regulations 2002, other than solely by virtue of regulation 39(2) of those Regulations, and
 - (ii) has been validated no more than 18 months before the test is administered or provided to P.

(a) S.I. 2020/1549.

(3) For the purposes of sub-paragraph (2) “validated”, in relation to a device, has the meaning given by paragraph 2(2)(d) of Schedule 2A.

Day 8 tests: private provider requirements

9.—(1) For the purposes of paragraph 8(1)(b)(iii), a private provider complies with this paragraph where—

- (a) they comply with the requirements of paragraph 3(1)(a) and (e) to (h) of Schedule 2A as if any reference in those provisions to an appropriate test were a reference to a day 8 test,
- (b) they have made a declaration to the Department of Health and Social Care that they meet the minimum standards for private sector-provided testing at <https://support-covid-19-testing.dhsc.gov.uk/InternationalTesting>,
- (c) in relation to a test which requires laboratory processing—
 - (i) the person responsible for the taking of samples meets the relevant requirements for accreditation to ISO standard 15189 or ISO/IEC standard 17025 in respect of the taking of samples, and
 - (ii) the laboratory used by the test provider for the processing of samples meets the relevant requirements for accreditation to ISO standard 15189 or ISO/IEC standard 17025 in respect of the processing of samples,
- (d) in relation to a point of care test, they meet the relevant requirements for accreditation to ISO Standard 15189 and ISO standard 22870,
- (e) they receive the information required by paragraph 10(3) or (4) (as appropriate), and they administer or provide the test to P no earlier than the end of the seventh day after the day on which P arrived in England,
- (f) if they arrange with another person (“X”) for X to carry out any element of the single end-to-end testing service on their behalf, the test provider ensures that X complies with the following so far as relevant to the carrying out of that element—
 - (i) paragraph 3(1)(e) to (h) of Schedule 2A as applied by sub-paragraph (1)(a);
 - (ii) sub-paragraph (1)(b) to (e);
 - (iii) paragraph 11(2), (3) and (4).

(2) For the purposes of sub-paragraph (1)(f), “single end-to-end testing service” has the meaning given in paragraph 3(2)(c) of Schedule 2A.

(3) For the purposes of sub-paragraph (1)(c) and (d), a person or laboratory (as the case may be) meets the relevant requirements for accreditation to a standard where the person who is the operator of the laboratory complies with the requirements of regulation 6 of the Health Protection (Coronavirus, Testing Requirements and Standards) (England) Regulations 2020 as if—

- (a) a reference to an applicable test were a reference to a day 8 test;
- (b) a reference to a test provider were a reference to a private provider.

Required circumstances for undertaking a day 2 test or a day 8 test

10.—(1) The circumstances mentioned in regulation 3B(11)(a) and (b) are as follows.

(2) In relation to—

- (a) a day 2 test, P undertakes the test no later than the end of the second day after the day on which P arrived in England;
- (b) a day 8 test, P undertakes the test no earlier than the end of the seventh day after the day on which P arrived in England.

(3) Subject to sub-paragraph (4), at the time the test is booked P notifies the test provider that P is to undertake the test under these Regulations, and provides the test provider with—

- (a) the information set out in paragraph 4(b)(i) to (v) and (vii) to (xiii) of Schedule 2A, and
 - (b) their home address, and—
 - (i) where P is a person to whom regulation 4(1)(a) or (b) applies, the address or addresses at which they intend to self-isolate, or are self-isolating, in accordance with regulation 4 (if different from their home address), or
 - (ii) where P is a person to whom regulation 4(1)(d) applies, the address of the accommodation designated for the purposes of Schedule B1A.
- (4) Where P is a child, or a person with a disability who is unable for that reason to provide the notification and information set out or referred to in sub-paragraph (3) to the test provider—
- (a) the notification and information set out or referred to in sub-paragraph (3), other than the information set out in paragraph 4(b)(xi) and (xii) of Schedule 2A, is provided to the test provider on P's behalf by another person ("Y"), and
 - (b) either the information set out in paragraph 4(b)(xi) and (xii) of Schedule 2A is provided by Y to the test provider or, where appropriate, Y provides their own telephone number and email address to the test provider.
- (5) At the time the test is booked the test provider gives P a test reference number and, where appropriate, also provides that test reference number to Y.

Notification of test results

11.—(1) This paragraph applies to a private provider who administers or provides a test to P in the circumstances described in paragraph 10.

- (2) The private provider must, within 24 hours of the result becoming available—
 - (a) notify P or, where paragraph 10(4) applies, Y by email, letter, or text message, of the result of P's test, or
 - (b) make P's test result available to P, or where paragraph 10(4) applies, to Y via a secure web portal,

in accordance with sub-paragraph (3).

(3) The notification of P's test result must include P's name, date of birth, passport number, or travel document reference number (as appropriate), the name and contact details of the test provider and P's test reference number, and must be conveyed using one of the following forms of words, as appropriate—

Form A: negative test result

Your coronavirus test result is negative. You did not have the virus when the test was done.

If you took the test on day 2 of your self-isolation you must continue to self-isolate until you have completed the 10 day self-isolation period and received a negative test result for a test taken on day 8. If you took the test on day 8, you may stop self-isolating when you have completed your 10 day self-isolation period.

You should self-isolate again if:

- you get symptoms of coronavirus (get an NHS coronavirus test (from www.gov.uk/get-coronavirus-test) and self-isolate until you get the results)
- you're going into hospital (self-isolate until the date you go in)
- someone you live with tests positive
- you've been traced as a contact of someone who tested positive

For advice on when you might need to self-isolate and what to do, go to www.nhs.uk/conditions/coronavirus-covid-19 and read 'Self-isolation and treating symptoms'.

It's a legal requirement to self-isolate when you arrive in England. If you're contacted by the enforcement authorities or the police after you have received this negative result, show them this notification.

Form B: positive test result

Your coronavirus test result is positive. You had the virus when the test was done.

Even if you have not had symptoms of coronavirus, you must self-isolate for 10 days from the day after your test date. Your test sample may be genome sequenced to check whether you have a virus variant of concern.

People you live with or are travelling (or have travelled) with should also self-isolate for 10 days from the day after you took a test.

If you received a positive test result for the test taken on or before day 2, you do not need to take the day 8 test. People you are travelling (or have travelled) with must still take a day 8 test.

You may be contacted for contact tracing and to check that you, and those who you live or have travelled with, are self-isolating.

You must not travel, including to leave the UK, during self-isolation.

Contact 111 if you need medical help. In an emergency dial 999.

Form C: unclear test result

Your coronavirus test result is unclear. It's not possible to say if you had the virus when the test was done.

You must take another test or self-isolate for 10 days from the day you took the test.

You may be contacted to check that you are self-isolating.

(4) Where—

- (a) regulation 4 or 4A of the Health Protection (Notification) Regulations 2010 applies in relation to the test provider, or
- (b) if the test provider arranges with another person (“X”) for X to carry out any element of the single end-to-end testing service on their behalf, either of those regulations applies to X in the carrying out of that element,

the regulation applies as if it required the information described in sub-paragraph (5) to be included in the notification to Public Health England.

(5) The information mentioned in sub-paragraph (4) is—

- (a) the date on which P last departed from or transited through a non-exempt country or territory,
- (b) P’s coach number, flight number or vessel name (as appropriate),
- (c) the country or territory P was travelling from when P arrived in England, and any country or territory they transited through as part of that journey,
- (d) the date on which P undertook the appropriate test.

Charge for day 2 tests and day 8 tests

12.—(1) The Secretary of State or a person designated by the Secretary of State may impose a charge in respect of mandatory tests provided by a public provider.

(2) The Secretary of State—

- (a) must publish details of the charges in such manner as the Secretary of State considers appropriate; and
- (b) may recover any sum owed by a person pursuant to such a charge as a debt.

Application of regulation 3B – exclusion of certain diplomatic etc. personnel

13.—(1) Regulation 3B does not apply where P is—

- (a) a person described in paragraph 1(1)(a) to (h) or (k)(a) of Schedule 2 or a member of the family forming part of their household;
- (b) a person described in paragraph 1(1)(i) or (j) of Schedule 2 where the conditions in sub-paragraph (2) are met;
- (c) a member of the family forming part of the household of a person to whom paragraph (b) applies, where—
 - (i) the conditions in sub-paragraph (2) are met in relation to the person to whom paragraph (b) applies,
 - (ii) the Foreign, Commonwealth and Development Office has been notified of P’s arrival, and
 - (iii) the Foreign, Commonwealth and Development Office has confirmed that P is not required to comply with regulation 3B.

(2) The conditions specified in this sub-paragraph are that, prior to P’s departure to the United Kingdom—

- (a) the relevant head of the mission, consular post, or office representing a foreign territory in the United Kingdom, or a Governor of a British overseas territory (as the case may be), or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake work in the United Kingdom which is essential to the foreign territory represented

(a) Paragraph 1 was amended by S.I. 2020/942.

by the mission or consular post, the foreign territory represented by the office or the British overseas territory, and

(b) the Foreign, Commonwealth and Development Office has then confirmed in writing to the person giving the confirmation referred to in paragraph (a) that—

(i) it has received that confirmation, and

(ii) P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with this Schedule.

(3) Where a word or expression is defined for the purposes of Schedule 2 and is used in this paragraph, the same definition applies for the purposes of this paragraph.”.

Amendment to the Health Protection (Notification) Regulations 2010

20.—(1) The Health Protection (Notification) Regulations 2010 are amended as follows.

(2) In regulation 4—

(a) after paragraph (1) insert—

“(1ZA) Where paragraph (1) of regulation 4ZA applies to the operator of a diagnostic laboratory, the notification required by paragraph (1) must be in accordance with this regulation and regulation 4ZA.”;

(b) in paragraph (3B) after “must” insert “,subject to paragraph (3D),”;

(c) after paragraph (3C) insert—

“(3D) A notification which—

(a) is under paragraph (1A)(a), and

(b) relates to a day 2 or a day 8 test within the meaning of regulation 3B of the Health Protection (Coronavirus, International Travel) (England) Regulations 2020(a),

must be provided in writing within 24 hours from the time the test result is known.”.

(3) After regulation 4 insert—

“Duty to notify Public Health England of the results of mandatory tests under the Health Protection (Coronavirus, International Travel) (England) Regulations 2020

4ZA.—(1) This regulation applies to the operator of a diagnostic laboratory where—

(a) the laboratory processes a day 2 test within the meaning of regulation 3B of the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (“the 2020 Regulations”),

(b) the operator is required to send a notification in relation to the test in accordance with regulation 4(1)(a) of these Regulations, and

(c) the test provider is required to sequence the test sample under paragraph 6(1)(e) of Schedule 2C to the 2020 Regulations.

(2) The notification required by regulation 4(1)(a) must, in addition to the information listed in regulation 4(2), include the following information so far as it is known to the operator of the diagnostic laboratory—

(a) name and address of the source laboratory (if different from the diagnostic laboratory);

(b) the date of the laboratory report;

(c) the following information about the person (“P”) from whom the sample was taken—

(a) S.I. 2020/568, amended by S.I. 2020/691, 724, 799, 805, 813, 819, 841, 866, 890, 913, 959, 980, 1013, 1039, 1070, 1076, 1094, 1129, 1161, 1190, 1227, 1238, 1277, 1292, 1323, 1337, 1360, 1424, 1517, 1595, 2021/18, 25, 38, 47, 49, 68, 98 and 137.

- (i) P’s age in months and years;
 - (ii) P’s address and postcode;
 - (iii) P’s occupation;
 - (iv) whether or not P is immunocompromised;
 - (v) whether or not P has received a vaccine against SARS-CoV-2;
 - (d) the following information about the sample—
 - (i) any laboratory comments;
 - (ii) the organism code;
 - (iii) the specimen number;
 - (iv) the specimen type;
 - (v) the specimen date;
 - (vi) the test method applied;
 - (vii) cycle threshold values;
 - (viii) whether the sample is a variant of concern or a variant under investigation;
 - (ix) where the sample has been sequenced, a sorted BAM file containing all reads aligning to the SARS-CoV-2 reference genome with unaligned and human reads removed.”
- (4) In regulation 7(1)(a) after “4(1)” insert “, 4ZA”.

Amendment to the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to England) Regulations 2020

21.—(1) The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to England) Regulations 2020(a) are amended as follows.

- (2) In regulation 4 (required information and manner)—
- (a) in paragraph (1)(c)(iii)—
 - (i) after “negative test result” insert “, to book, pay for and undertake tests”;
 - (ii) after “3A” insert “, 3B”;
 - (b) in paragraph (2)(b), after sub-paragraph (iv) insert—
 - “(v) informs passengers of the requirement to book, pay for and undertake tests in regulation 3B of the International Travel Regulations,”;
 - (c) in paragraph (3)(b)(iii)—
 - (i) after “negative test result” insert “, to book, pay for and undertake tests”;
 - (ii) after “3A” insert “, 3B”;
 - (d) in paragraph (5)(a), after sub-paragraph (vi) insert—
 - “(vii) www.gov.uk/travel-quarantine-and-testing,”;
 - (e) in paragraph (5)(b), after “www.gov.uk/guidance/coronavirus-covid-19-travel-corridors” insert—
 - “,
 - (viii) www.gov.uk/travel-quarantine-and-testing”.
- (3) In the Schedule (specified information for the purposes of regulation 4)—
- (a) in Part 1—

(a) S.I. 2020/567, amended by S.I. 2020/691, 1090, 1517 and 2021/68.

- (i) for “3) All arrivals must self-isolate for 10 days unless exempt. Check the list of exempt countries immediately before travel and the list of work-related exemptions if travelling for work.” substitute—

“3) All arrivals must quarantine for 10 days unless exempt. If you have travelled through a red list country in the last 10 days, you must have a valid Managed Quarantine Facility booked prior to departure. For information please visit: www.gov.uk/travel-quarantine-and-testing. Check the list of exempt countries immediately before travel and the list of work-related exemptions if travelling for work.

4) Everyone is required to take a coronavirus test on days 2 and 8 of their quarantine. You must have this booked prior to departure. For information please visit: www.gov.uk/travel-quarantine-and-testing.”;

- (ii) for “4) It” substitute “5) It”;

- (iii) for “5) If you self-isolate” substitute “6) If you quarantine”;

- (b) in Part 2, for the words from “Before entering the UK” to “Visit gov.uk for more information.” substitute—

“Before entering the UK, you must complete a passenger locator form online, regardless of where you are arriving from. You must also quarantine for the first 10 days after you arrive, unless you are in an exempt category. This is to protect yourself and others. This includes booking hotel quarantine if you have travelled through a red list country in the last 10 days, or booking home quarantine tests if you have travelled in any other country.

Visit gov.uk/coronavirus for more information.”.

Amendment to the Health Protection (Coronavirus, Pre-Departure Testing and Operator Liability) (England) (Amendment) Regulations 2021

22.—(1) The Health Protection (Coronavirus, Pre-Departure Testing and Operator Liability) (England) (Amendment) Regulations 2021(a) are amended as follows.

(2) In regulation 5 (interpretation of Part 2)—

- (a) in the definition of “authorised person” for “means” substitute “, other than in regulation 7A, means”;

- (b) after the definition of “child” insert—

““designated port” means a port designated for the purposes of Schedule B1A to the International Travel Regulations;”;

- (c) in the definition of “operator” for “means” substitute “, other than in regulation 7A and 8(1A), means”;

- (d) after the definition of “responsible individual” insert—

““Schedule B1A passenger” means a passenger to whom Schedule B1A to the International Travel Regulations applies;”.

(3) In regulation 6 (requirement to ensure passengers have completed a Passenger Locator Form)—

- (a) after paragraph (1) insert—

“(1A) An operator must ensure that a passenger —

- (a) 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, has included in their Passenger Locator Form the information required by paragraph 7 of Schedule 1 to the International Travel Regulations, or

(a) S.I. 2021/38; to which there are amendments not relevant to these Regulations.

- (b) who arrives at a port in England on a relevant service has included in their Passenger Locator Form the information required by paragraph 7 of Schedule 1 to the International Travel Regulations.

(1B) An operator must ensure that a Schedule B1A passenger who arrives at a designated port in England on a relevant service has included in their Passenger Locator Form the booking reference for the managed self-isolation package booked by or on behalf of P as required by paragraph 2(a)(i) of Schedule 1 to the International Travel Regulations.”;

- (b) in paragraph (2) for “Paragraph (1) does” substitute “Paragraphs (1), (1A) and (1B) do”;

- (c) after paragraph (2), insert—

“(3) In addition—

- (a) paragraph (1A) does not apply in relation to a passenger (“P”) where the operator, or a person acting on behalf of the operator, reasonably believes—
 - (i) regulation 3B of the International Travel Regulations (requirement to book, pay for and undertake tests) does not apply to P, or
 - (ii) P has a reasonable excuse for failing to comply with the requirement in regulation 3B of the International Travel Regulations to arrive in England with a testing package;
- (b) paragraph (1B) does not apply in relation to a passenger (“P”) where the operator, or a person acting on behalf of the operator, reasonably believes—
 - (i) P is not a Schedule B1A passenger, or
 - (ii) P is a Schedule B1A passenger but has a reasonable excuse for failing to comply with the requirement in paragraph 5 of Schedule B1A to the International Travel Regulations (requirement to arrive in England with a managed self-isolation package).”.

- (4) After regulation 7 insert—

“Requirement to ensure that certain passengers arrive only at designated ports

7A.—(1) An operator must take all reasonable steps to ensure that no Schedule B1A passenger arrives on a relevant transport service at a port in England which is not a designated port.

(2) Paragraph (1) does not apply where—

- (a) it is necessary for the pilot in command of the aircraft to land the aircraft by means of which the transport service is provided at a place in England other than a designated port to secure—
 - (i) the safety or security of the aircraft, or
 - (ii) the safety of any person aboard the aircraft;
- (b) the aircraft is an air ambulance and it is landing otherwise than at a designated port for the purposes of transporting a person for medical treatment;
- (c) the pilot in command of the aircraft is instructed by an authorised person to land the aircraft at a place in England which is not a designated port.

(3) In this regulation—

“authorised person” means—

- (a) a constable,
- (b) the Civil Aviation Authority,
- (c) the Secretary of State, or

(d) a person authorised by the Civil Aviation Authority or the Secretary of State under the Air Navigation Order 2016(a);

“operator”, in relation to a transport service provided by means of an aircraft, has the meaning given in article 4 of the Air Navigation Order 2016;

“pilot in command” and “private aircraft” have the meanings given in the Air Navigation Order 2016 (see Schedule 1 to that Order);

“relevant transport service”, in relation to an operator, means a transport service provided by or on behalf of that operator;

“Schedule B1A passenger” means a passenger to whom Schedule B1A to the International Travel Regulations applies;

“transport service” means—

- (a) a relevant service,
- (b) a shuttle service,
- (c) a service (other than a relevant service) which—
 - (i) is carrying passengers travelling to England from outside the common travel area (whether for payment or valuable consideration or otherwise), and
 - (ii) is provided by means of an aircraft (other than a private aircraft), or
- (d) a flight which—
 - (i) is carrying passengers travelling to England from outside the common travel area (whether for payment or valuable consideration or otherwise), and
 - (ii) is provided by means of a private aircraft.”.

(5) In regulation 8 (offences)—

(a) in paragraph (1)—

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

(ii) after that sub-paragraph, insert—

“(aa) regulation 6(1A),

(ab) regulation 6(1B), or”;

(b) after paragraph (1) insert—

“(1A) An operator who fails to comply with the requirement in regulation 7A(1) commits an offence.”;

(c) in paragraph (2), after “(1)” insert “or (1A)”;

(d) after paragraph (4) insert—

“(4A) In addition, in relation to the offence in paragraph (1)(aa) or (ab), it is a defence for an operator to show that the operator, or a person acting on behalf of the operator, could not have reasonably been expected to know that the relevant information provided by a passenger on their Passenger Locator Form was false or incorrect in any respect or incomplete.

(4B) For the purposes of paragraph (4A) “relevant information” means the information mentioned in regulation 6(1A) or 6(1B) (as the case may be).

(4C) In relation to the offence in paragraph (1A), it is a defence for an operator to show that the operator, or a person acting on behalf of the operator, could not have reasonably been expected to know that a passenger was a Schedule B1A passenger.”.

(6) In regulation 9 (fixed penalty notices), in paragraph (1), after “8(1)” insert “or (1A)”;

(7) In regulation 10 (prosecutions), after “8(1)” insert “or (1A)”.

(a) S.I. 2016/765; to which there are amendments not relevant to these Regulations.

(8) In regulation 11 (power to use and disclose information), in paragraph (2)(a) for “3A of” substitute “3A or 3B of, or paragraph 3 of Schedule B1A to,”.

(9) In regulation 12 (review), for “and 7” substitute “, 7 and 7A”.

Transitional provision and saving

23.—(1) Nothing in these Regulations applies in relation to a person who arrived in England before 15th February 2021.

(2) In relation to any booking made before the coming into force of regulation 21, the requirement in regulation 3(1) of the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to England) Regulations 2020 (“the information requirement”) is to be regarded as complied with even if the information provided to passengers does not include the information required by the amendments made by regulation 21.

Matt Hancock
Secretary of State

At 11.00 a.m. on 12th February 2021

Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various instruments containing measures for the protection of health in respect of the SARS-CoV-2 response.

Regulations 3 to 19 amend the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (“the International Travel Regulations”) so as to—

- (a) impose a requirement for travellers from countries listed in Schedule B1 to obtain a package comprising a booking for 10 days in accommodation designated by the Secretary of State, transportation to the accommodation and for tests for the coronavirus on day 2 and day 8 after the traveller’s arrival in England. Paragraph 2 of the Schedule to be inserted as Schedule B1A to the International Travel Regulations sets out exceptions to the obligation to obtain the package, and
- (b) impose requirements on travellers from outside the common travel area to obtain a testing package comprising a booking for two tests for the detection of SARS-CoV-2. The first test is to be taken within two days of a traveller’s arrival in England and it is to be capable of permitting genomic sequencing of any sample. The second test is to be taken after seven days of the traveller’s arrival in England.

Regulation 20 amends the Health Protection (Notification) Regulations 2010 to impose a requirement on diagnostic laboratories to report additional information where they process tests in accordance with the International Travel Regulations.

Regulation 21 amends the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to England) Regulations 2020 to update the information that operators are required to provide to passengers who arrive in England.

Regulation 22 makes amendments to the Health Protection (Coronavirus, Pre-Departure Testing and Operator Liability) (England) (Amendment) Regulations 2021 in consequence of the amendments made to the International Travel Regulations so as to—

- (a) require persons operating commercial transport services (“operators”) for passengers travelling to England from outside the common travel area to ensure that passengers who arrive in England on such services have included in their Passenger Locator From details of the test booking arrangements and managed self-isolation package,
- (b) require persons operating travel services (including those providing flights by means of private aircraft) for passengers travelling to England from outside the common travel area to take reasonable steps to ensure that passengers to whom Schedule B1 to the

International Travel Regulations applies arrive in England only at designated ports (see new regulation 7A),

- (c) create offences for the breach of those requirements, and
- (d) make consequential 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.

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