

This Statutory Instrument, in part, corrects errors in S.I.s 2021/150 and 348 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2021 No. 498

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, International Travel)
(England) (Amendment) (No. 13) Regulations 2021**

Made - - - - *21st April 2021*

Laid before Parliament *22nd April 2021*

Coming into force in accordance with regulation 1

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 and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 13) Regulations 2021.

(2) Other than regulation 11(3), these Regulations come into force at 4.00 a.m. on 23rd April 2021.

(3) Regulation 11(3) comes into force at 4.00 a.m. on 24th April 2021.

(4) These Regulations extend to England and Wales and apply in relation to England only.

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 14.

Amendment to regulation 2

3. In paragraph (1) of regulation 2 (interpretation), after the entry for “exempt country or territory” insert—

““G7 event” means—

(a) an event organised by Her Majesty’s Government in connection with the United Kingdom’s G7 2021 presidency;

(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, 137, 150, 166, 223, 252, 348, 442 and 447.

- (b) a meeting, connected to an event within the meaning of sub-paragraph (a), between representatives of States, foreign territories or organisations which are represented at such an event;”.

Amendment to regulation 3

4. In paragraph (10B) of regulation 3(a) (requirement to provide information), after “paragraph 1(1)” insert “or (1A)”.

Amendment to regulation 3A

5. In regulation 3A(b) (requirement to possess notification of negative test result), after paragraph (4) insert—

“(4A) A person must as soon as reasonably practicable undertake a test that complies with paragraph 1(a) of Schedule 2B 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) an immigration officer requires the person to undertake such a test.”.

Amendment to regulation 3AA

6. In paragraph (5) of regulation 3AA (requirements relating to tests)(c), after sub-paragraph (c) insert—

“(ca) a person described in paragraph 1(1A) (G7 attendees etc.) of Schedule 2;”.

Amendment to regulation 4

7.—(1) Regulation 4(d) (requirement to self-isolate) is amended as follows.

(2) In paragraph (3)(a)(ii), after “(13)(a)(i)” insert “or (ab)”.

(3) In paragraph (13), after sub-paragraph (a) insert—

“(ab) in paragraph 1(1A) of Schedule 2, P is not required to comply with this regulation.”.

Amendment to regulation 4B

8. In paragraph (2) of regulation 4B(e) (prohibition on arrival of aircraft into England), at the end insert—

“;

- (d) an aircraft operated by or in support of a person described in paragraph 1(1A) (G7 attendees etc.) of Schedule 2”.

(a) Paragraph (10) of regulation 3 was substituted by S.I. 2020/691; paragraph (10A) was inserted by S.I. 2020/1644; and paragraph (10B) was inserted by S.I. 2021/150. There are other amendments to regulation 3 not relevant to this instrument.

(b) Regulation 3A was inserted by S.I. 2021/38.

(c) Regulation 3AA was inserted by S.I. 2021/442.

(d) Regulation 4(3)(a) was amended by S.I. 2021/442, 691 and 913. There are other amendments to regulation 4 not relevant to this instrument.

(e) Regulation 4B was inserted by S.I. 2021/47 and amended by S.I. 2021/150 and 223.

Amendment to regulation 6

9. In paragraph (1A)(a) of regulation 6(a) (offences and penalties), before “regulation 3A” insert “paragraph (1), (2), (3) or (4) of”.

Amendment to Schedule B1

10. In Schedule B1(b) (countries and territories subject to additional measures), insert “India” at the appropriate place.

Amendment to Schedule B1A

11.—(1) Schedule B1A(c) (additional measures) is amended as follows.

(2) In paragraph 2(1)(g)(d) (persons to whom Schedule B1A does not apply)—

(a) before sub-paragraph (i) insert—

“(ai) paragraph 1(1A) (G7 attendees etc.);”;

(b) at the end insert—

“;

(vii) paragraph 29 (human tissue couriers)”.

(3) In paragraph 4 (designation of ports of entry), after sub-paragraph (e) insert—

“(ea) Bristol Airport;”.

(4) In paragraph 18(e) (modification of application of Schedule B1A for relevant persons)—

(a) in sub-paragraph (3A)(c), at the end insert “and”;

(b) in sub-paragraph (3C)(c), at the end insert “and”.

(5) After paragraph 18, insert—

“Modification of application of this Schedule where P is taking up employment as an NHS nurse

19.—(1) This paragraph applies where—

(a) on P’s arrival in England, P is entitled to enter the United Kingdom pursuant to a skilled worker visa granted in accordance with Appendix Skilled Worker to the immigration rules(f);

(b) P is eligible for the visa by virtue of being sponsored—

(i) for a job within the entry for occupation code 2231 (nurses) in Table 2 of Appendix Skilled Occupations to the immigration rules; and

(ii) by an NHS trust or an NHS foundation trust (“P’s sponsor”); and

(c) prior to P’s arrival in England, P’s sponsor has confirmed in writing that this paragraph applies in relation to P and has not withdrawn that confirmation.

(2) Where this paragraph applies, this Schedule applies in relation to P as if—

(a) for paragraph 6 there were substituted—

(a) Regulation 6(1A) was inserted by S.I. 2020/1337 and amended by S.I. 2021/38 and 150.

(b) Schedule B1 was inserted by S.I. 2020/1644 and amended by S.I. 2021/18, 47, 68, 98, 348 and 447.

(c) Schedule B1A was inserted by S.I. 2021/150.

(d) Paragraph 2(1)(g) was amended by S.I. 2021/248.

(e) Paragraph 18(3A) and (3C) were inserted by S.I. 2021/348. and there are other amendments to paragraph 18 that are not relevant to this instrument.

(f) Laid before Parliament on 23rd May 1994 (HC 395), as amended. Appendix Skilled Worker and Appendix Skilled Occupations were laid before Parliament on 22nd October 2020 as part of a command paper that amended the immigration rules entitled “Statement of Changes in Immigration Rules” (HC 813). Appendix Skilled Worker and Appendix Skilled Occupations were amended by the statement of changes in immigration rules presented to Parliament on 4th March 2021 (HC 1248).

“6. P must, on arrival in England, travel directly to the accommodation specified in P’s managed self-isolation package, using the means of transport facilitated as part of that package.”;

(b) for paragraph 8 there were substituted—

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

(a) written confirmation from P’s sponsor of the details of—

(i) a place in accommodation provided by the sponsor for the purposes of this Schedule;

(ii) transport facilitated by the sponsor to the accommodation referred to in paragraph (i); and

(b) a testing package required by regulation 3B.”;

(c) in paragraph 9, “accommodation, transport and” were omitted;

(d) in paragraph 10, for “designated” were substituted “specified”;

(e) in paragraph 14, “designated” were omitted.

(3) In this paragraph—

(a) “NHS foundation trust” has the meaning given in section 30 of the National Health Service Act 2006(a);

(b) “NHS trust” means an NHS trust established under section 25 of the National Health Service Act 2006.”.

Amendment to Schedule 2

12.—(1) Paragraph 1 of Schedule 2(b) (persons not required to comply with regulation 3 or 4) is amended as follows.

(2) In the introductory words to sub-paragraph (1), after “(“P”)” insert “, other than a person described in sub-paragraph (1A),”.

(3) After sub-paragraph (1), insert—

“(1A) A person (“P”) where—

(a) P either—

(i) travelled to the United Kingdom for the purpose of attending or facilitating a G7 event, and P is in England for the purpose of attending or facilitating a G7 event or of travelling in order to leave England, or

(ii) travelled to the United Kingdom for another purpose, and after their arrival in England is attending, facilitating, or travelling to or from a G7 event;

(b) P has been invited by Her Majesty’s Government to attend or facilitate the event;

(c) the relevant person has provided written confirmation to the relevant Department that P will comply with the health protocols for the event; and

(d) the relevant Department has provided written confirmation to the relevant person that P is a person described in this paragraph.”.

(4) In sub-paragraph (3), at the end insert—

“,

(g) “relevant person” means—

(i) where P is to attend or facilitate a G7 event on behalf of a State, a foreign territory or an organisation, the head of the relevant mission or post, the office representing the foreign territory in the United Kingdom or the organisation;

(a) 2006 c. 41. Section 30 was amended by section 159 of the Health and Social Care Act 2012 (c. 7).

(b) There are amendments to Schedule 2 that are not relevant to this instrument.

- (ii) where P is to attend or facilitate a G7 event on their own behalf, P”.

Amendment to Schedule 2A

13.—(1) Schedule 2A(a) (optional testing after arrival in England) is amended as follows.

(2) In paragraph 2(b) (appropriate tests) for sub-paragraph (2)(d)(iii) substitute—

“(iii) a laboratory which is accredited to ISO standard 15189 or ISO/IEC standard 17025(c) by—

(aa) the United Kingdom Accreditation Service(d) (“UKAS”), or

(bb) an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (“ILAC”) Mutual Recognition Arrangement(e) or the European co-operation for Accreditation (“EA”) Multilateral Agreement(f),

other than a laboratory which processes tests provided by the test provider for the purposes of this Schedule or is owned by the test provider or the device manufacturer.”.

(3) In paragraph 3(1)(i), for the words from “no earlier than” to “country or territory” substitute “on or after the fifth day after the day on which P arrived in England”.

Amendment to Schedule 2C

14.—(1) Schedule 2C(g) (mandatory testing after arrival in England) is amended as follows.

(2) In paragraph 6 (day 2 tests: general test requirements)—

(a) in sub-paragraph (1)(b)(i)(bb), omit “or on or after 26th April 2021”;

(b) in sub-paragraph (2), the last paragraph (which is currently numbered (c), being the second consecutive paragraph so numbered) is renumbered as (d).

(3) In sub-paragraph (2) of paragraph 7 (day 2 tests: private provider requirements), for “(h)” substitute “(k)”.

(4) In sub-paragraph (1)(b)(i)(bb) of paragraph 8 (day 8 tests: general test requirements), omit “or on or after 26th April 2021”.

Transitional and saving provision

15. In relation to any person who arrived in England at or after 4.00 a.m. on 15th February 2021 but before 4.00 a.m. on 23rd April 2021, the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 apply as if the amendment made by regulation 10 (addition of India to Schedule B1) had not been made.

(a) Schedule 2A was inserted by S.I. 2020/1337.

(b) Paragraph 2(2)(d) was amended by S.I. 2021/150

(c) ISO standards are published in Geneva by the International Organisation for Standardisation, and are available on their website (www.iso.org) or at ISO Central Secretariat, International Organization for Standardization (ISO), 1 rue de Varembe, Case postale 56, CH-1211, Geneva 20, Switzerland. ISO/IEC 17025 General requirements for the competence of testing and calibration laboratories was published in November 2017.

(d) The United Kingdom Accreditation Service is a company limited by guarantee incorporated in England and Wales under number 3076190.

(e) ILAC is an international organisation which coordinates the work of its signatory national accreditation bodies which are themselves involved in the accreditation of conformity assessment bodies, testing laboratories, and medical testing laboratories.

(f) EA is a regional organisation which coordinates the work of its signatory national accreditation bodies. EA is recognised by and works closely with ILAC.

(g) Schedule 2C was inserted by S.I. 2021/150 and amended by S.I. 2021/223. There are other amendments to Schedule 2C that are not relevant to this instrument.

21st April 2021

Bethell
Parliamentary Under Secretary of State
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (“the International Travel Regulations”).

Regulation 5 amends regulation 3A (requirement to possess notification of a negative test result) of the International Travel Regulations by inserting provision allowing an immigration officer to require a person to undertake a test in certain circumstances if the person is subject to immigration control and they fail to produce valid notification of a negative result from a qualifying test when requested to do so.

Regulation 8 amends regulation 4B (prohibition on the arrival of aircraft into England) so as to disapply the prohibition on certain aircraft landing in England in respect of aircraft operated by or in support of a person attending or facilitating an event or meeting connected to the United Kingdom’s 2021 presidency of the G7 (“a G7 event”).

Regulation 10 amends Schedule B1 to the International Travel Regulations to add India to the list of countries and territories subject to additional measures (such as the requirement for travellers from those countries or territories to obtain a managed self-isolation package).

Regulation 11 amends Schedule B1A (additional measures) to the International Travel Regulations so as to—

- (a) add Bristol Airport to the list of ports designated as permitted ports of entry for travellers arriving in England from countries or territories subject to additional measures,
- (b) exclude from the application of Schedule B1A a person who has travelled to the United Kingdom for the purpose of transporting human tissue to be used for the provision of healthcare, and
- (c) modify the application of Schedule B1A in relation to a person who has travelled to England under a skilled worker visa entitling them to take up employment as a nurse in the National Health Service in England.

Regulation 12 amends Schedule 2 to the International Travel Regulations to ensure that persons attending or facilitating a G7 event are excluded from the requirement to self-isolate and to undertake mandatory day 2 and day 8 tests.

These Regulations make further minor amendments, including corrections, 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.

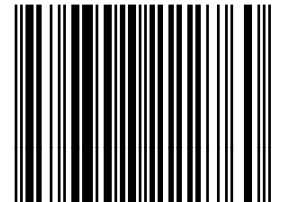
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