STATUTORY INSTRUMENTS

2021 No. 582

The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021



Introductory

Citation, commencement, extent and application **E+W**

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021.

- (2) These Regulations come into force at 4.00 a.m. on 17th May 2021.
- (3) These Regulations extend to England and Wales and apply in relation to England only.

Commencement Information

II Reg. 1 in force at 17.5.2021 at 4.00 a.m., see reg. 1(2)

Interpretation and introduction of Schedules 1 to 4 E+W

2.—(1) In these Regulations—

"category 1 arrival" means person who has arrived in England from a category 1 country or territory, and has not been in a category 2 country or territory or a category 3 country or territory in the period beginning with the 10th day before the date of their arrival in England;

"category 1 country or territory" means a country or territory, or part of a country or territory, specified in Schedule 1^{M1};

"category 2 country or territory" means a country or territory or part of a country or territory specified in Schedule 2^{M2};

"category 3 country or territory" means a country or territory or part of a country or territory specified in Schedule 3^{M3};

"child" means a person under the age of 18;

"the common travel area" has the meaning given in section 1(3) of the Immigration Act 1971

[^{F1}"the Conference of the Parties" means, except in relation to the Kyoto Protocol and the Paris Agreement, the Conference of the Parties to the United Nations Framework Convention on Climate Change;]

[^{F1}"the COP" means the conference convened by the Conference of the Parties, comprising—

(a) the 26th session of the Conference of the Parties,

- (b) the 16th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,
- (c) the third session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, and
- (d) all related pre-sessional meetings, sessions of subsidiary bodies and additional meetings, convened in the United Kingdom;]

[^{F1}"the COP World Leaders summit event" means—

- (a) the event organised by Her Majesty's Government between 1st and 2nd November 2021 in connection with the COP, or
- (b) a meeting, connected to the event described in sub-paragraph (a), between representatives of States, foreign territories or organisations which are represented at the event;]

"coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

"coronavirus disease" means COVID-19 (the official designation of the disease which can be caused by coronavirus);

[^{F2}"cruise ship" means a vessel, certified to carry more than 200 passengers, engaged on a voyage primarily for leisure or recreation during which passengers stay overnight on board for at least two nights;]

"designated port" means a port designated for the purposes of Schedule 11;

"device" means an in vitro diagnostic medical device within the meaning given in regulation 2(1) of the Medical Devices Regulations 2002^{M5} ;

"disability" has the meaning given in the Equality Act 2010^{M6} (see section 6 of, and Schedule 1 to, that Act);

[^{F3}"eligible category 2 arrival" has the meaning given in regulation 2A;]

"immigration officer" means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971^{M7};

[^{F4}"the Kyoto Protocol" means the Protocol to the United Nations Framework Convention on Climate Change signed in Kyoto on 11th December 1997;]

"managed self-isolation package" has the meaning given in paragraph 8 of Schedule 11;

"operator" except [^{F5}where the context otherwise requires], means an operator of a relevant service;

[^{F6}"the Paris Agreement" means the agreement adopted at the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change, signed in Paris on 12th December 2015;]

"passenger" means a person travelling on a conveyance who is not a member of the conveyance's crew;

"passenger information" has the meaning given in regulation 3(1);

"Passenger Locator Form" means the form published electronically by the Secretary of State for the provision of passenger information ^{M8};

"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 ^{M9};

"qualifying test" means a test that is a qualifying test for the purposes of regulation 4;

[^{F7}"relevant service" means a commercial transport service on which passengers travel to England from outside the common travel area on a vessel, aircraft or train;]

"Schedule 11 passenger" means a passenger to whom Schedule 11 (additional measures applicable to arrivals from category 3 countries or territories) applies;

"self-isolate" has the meaning given in regulation 9(2), and "self-isolation" and "self-isolating" are to be construed accordingly;

"the Self-Isolation Regulations" means the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020^{M10};

"sensitivity", in relation to a device, means how often the device correctly generates a positive result;

"shuttle service" has the meaning given in section 1(9) of the Channel Tunnel Act 1987;

"specificity", in relation to a device, means how often the device correctly generates a negative result;

"tunnel system" has the meaning given in section 1(7) of the Channel Tunnel Act 1987;

[^{F8}··United Nations Framework Convention on Climate Change" means the United Nations Framework Convention on Climate Change adopted in New York on 9th May 1992.]

(2) For the purposes of these Regulations, an individual has responsibility for a child if the individual—

- (a) has custody or charge of the child for the time being, or
- (b) has parental responsibility for the child within the meaning given in section 3 of the Children Act 1989^{MII}.

(3) For the purposes of these Regulations, a person ("P") is not treated as departing from or transiting through a country or territory, or part of a country or territory, if P arrives in and leaves that country, territory of part thereof by air, rail or sea and at all times whilst there—

- (a) remains on the aircraft or vessel upon which P arrived and no other passenger is permitted to be taken on board; or
- (b) remains on the train upon which P arrived and no other passenger is permitted to be taken on board the carriage in which P is travelling; or
- (c) is kept separated from passengers who did not arrive on the same aircraft, train or vessel as P, and no such passengers are permitted to be taken on board the aircraft, train or vessel on which P leaves that country, territory, or part.

(4) For the purposes of these Regulations a person is not treated as having been in a country or territory if—

- (a) the person has only been on a vessel which has been in the territorial waters of that country or territory;
- (b) the person did not disembark from that vessel while it was in the territorial waters of that country or territory;
- (c) that vessel did not moor at a port in that country or territory; and
- (d) no passenger was permitted to be taken on board that vessel while it was in the territorial waters of that country or territory.

(5) Schedule 4 (exemptions) describes categories of person who are exempt from certain requirements in accordance with these Regulations.

Textual Amendments

- F1 Words in reg. 2(1) inserted (30.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 9) Regulations 2021 (S.I. 2021/966), regs. 1(2), 3(2)(a)
- F2 Words in reg. 2(1) inserted (22.9.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 12) Regulations 2021 (S.I. 2021/1066), regs. 1(2), 3
- F3 Words in reg. 2 inserted (19.7.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 6) Regulations 2021 (S.I. 2021/865), regs. 1(2), 3 (with reg. 23)
- F4 Words in reg. 2(1) inserted (30.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 9) Regulations 2021 (S.I. 2021/966), regs. 1(2), 3(2)(b)
- **F5** Words in reg. 2(1) substituted (19.5.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) Regulations 2021 (S.I. 2021/589), regs. 1(1), **2(2)(a)** (with reg. 3(2))
- F6 Words in reg. 2(1) inserted (30.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 9) Regulations 2021 (S.I. 2021/966), regs. 1(2), 3(2)(c)
- F7 Words in reg. 2(1) substituted (19.5.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) Regulations 2021 (S.I. 2021/589), regs. 1(1), 2(2)(b) (with reg. 3(2))
- F8 Words in reg. 2(1) inserted (30.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 9) Regulations 2021 (S.I. 2021/966), regs. 1(2), 3(2)(d)

Commencement Information

I2 Reg. 2 in force at 17.5.2021 at 4.00 a.m., see reg. 1(2)

Marginal Citations

- M1 Category 1 countries and territories are referred to colloquially and in guidance as "Green List" countries and territories.
- M2 Category 2 countries and territories are referred to colloquially and in guidance as "Amber List" countries and territories.
- M3 Category 3 countries and territories are referred to colloquially and in guidance as "Red List" countries and territories.
- M4 1971 c. 77; section 1(3) provides that the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland are collectively referred to in that Act as "the common travel area".
- M5 S.I. 2002/618.
- M6 2010 c. 15.
- M7 Paragraph 1 was amended by paragraph 3 of Schedule 3 to the Health Protection Agency Act 2004 (c. 17), and by S.I. 1993/1813.
- M8 The Passenger Locator Form is available on www.gov.uk. No hard copy version is generally available but, where a person arrives at a place staffed by Immigration Officers, they will be provided with the ability to complete the form electronically on their arrival in England if not completed in advance; assistance will be available for completion of the electronic form if required.

M9 1987 c. 53.

- M10 S.I. 2020/1045.
- **M11** 1989 c. 41.

[^{F9}Exemptions for vaccinated travellers and others E+W

2A.—(1) In these Regulations, a person ("P") is an eligible category 2 arrival if P meets the requirements of paragraph (2) and any of paragraphs (3) to (6) of this regulation.

(2) In the period beginning with the 10th day before the date of P's arrival in England—

- (a) P has been in a category 2 country or territory F10 ...; and
- (b) P has not been in ^{F11}... a category 3 country or territory.
- (3) P—
 - (a) has completed a course of doses of an authorised vaccine with the final dose having been received before the start of the period beginning with the 14th day before the date of their arrival in England;
 - (b) received that course of doses in the United Kingdom I^{F12} or a relevant countryl:

[if the course of doses was received in the United States of America, is ordinarily resident ^{F13}(ba) in the United States of America;]

- (c) is able to provide proof if required by an immigration officer or the operator of the relevant service on which P travels to England of meeting the requirement in sub-paragraph (a) [^{F14}through—
 - (i) the NHS COVID pass, or equivalent from NHS Scotland, NHS Wales or the Department of Health in Northern Ireland;
 - (ii) the EU Digital COVID Certificate; or
 - (iii) the Centers for Disease Control and Prevention vaccination card:

is able to provide proof if required by an immigration officer or the operator of the relevant

- ^{F15}(ca) service on which P travels to England of meeting the requirement in sub-paragraph (ba); andl
 - (d) has declared on the Passenger Locator Form that P meets the COVID-19 vaccination eligibility criteria for reduced isolation and testing requirements.

- (a) has participated, or is participating, in a clinical trial of a vaccine for vaccination against coronavirus carried out in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004;
- (b) is able to provide proof of such participation $[^{F16}$ if required by an immigration officer or the operator of the relevant service on which P travels to England]; and
- (c) has declared on the Passenger Locator Form that P meets the COVID-19 vaccination eligibility criteria for reduced isolation and testing requirements.

[^{F17}(4A) P—

- (a) has participated or is participating in a clinical trial regulated in the United States of America by the Food and Drugs Administration of a vaccine for vaccination against coronavirus;
- (b) is able if required by an immigration officer or the operator of the relevant service on which P travels to England to provide proof of such participation through the Centers for Disease Control and Prevention vaccination card;
- (c) has declared on the Passenger Locator Form that P meets the COVID-19 vaccination eligibility criteria for reduced isolation and testing requirements; and

⁽⁴⁾ P—

- (d) is ordinarily resident in the United States of America and is able to provide proof of that residence if required by an immigration officer or the operator of the relevant service on which P travels to England.]
- (5) P is—
 - (a) under the age of 18 years upon arrival in England; and
 - (b) ordinarily resident in the United Kingdom [^{F18}or a relevant country].
- (6) P is either—
 - (a) a person who-
 - (i) has completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas, with the final dose having been received before the start of the period beginning with the 14th day before the date of their arrival in England,
 - (ii) is able to provide proof if required by an immigration officer or the operator of the relevant service on which P travels to England of meeting the requirements in paragraph (i), and
 - (iii) has declared on the Passenger Locator Form that P meets the COVID-19 vaccination eligibility criteria for reduced isolation and testing requirements; or
 - (b) a dependant of a person of the description in any of paragraphs (a) to (c) of the definition of "United Kingdom vaccine roll-out overseas" and is under the age of 18 years upon arrival in England.

(7) For the purposes of $[^{F19}$ paragraph (3)], P has completed a course of doses if P has received the complete course of doses specified—

- (a) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine; or
- (b) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 (supply in response to spread of pathogenic agents etc) of the Human Medicines Regulations 2012 for the authorised vaccine.
- $F^{20}(7ZA)$ For the purposes of paragraph (3), where P has received a dose of one authorised vaccine and a dose of a different authorised vaccine, P is deemed to have completed a course of doses of an authorised vaccine.]

 F21 (7A) For the purposes of paragraph (6), P has completed a course of doses of a vaccine if P has received the complete course of doses of the vaccine as specified in the manufacturer's guidance for that vaccine.]

(8) For the purposes of paragraph (6), where P has received a dose of an authorised vaccine in the United Kingdom and a dose of a vaccine under the United Kingdom vaccine roll-out overseas, P is deemed to have [^{F22}completed] a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.

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^{F23}(8A) For the purposes of paragraph (6), where P has received a dose of one vaccine under the United Kingdom vaccine roll-out overseas, and a dose of a different vaccine under the United Kingdom vaccine roll-out overseas, P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.]

(9) For the purposes of this regulation—

- (a) a child is to be treated as making a declaration on a Passenger Locator Form, and providing any proof required, if that declaration is made, and the proof provided, by a person who is travelling with and has responsibility for that child;
- (b) a person is not treated as having been in a country or territory if that person would not be treated as having departed from or transited through that country or territory by virtue of regulation 2(3).
- (10) In this regulation—

 $[{}^{\rm F24}\mbox{``authorised vaccine''}\ means a medicinal product for vaccination against coronavirus authorised—}$

- (a) in relation to doses received in the United Kingdom—
 - (i) for supply in the United Kingdom in accordance with a marketing authorisation, or
 - (ii) by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012;
- (b) in relation to doses received in a relevant country, for supply in that country following evaluation by the relevant regulator for the country;]

"clinical trial" has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004;

"Crown servant" has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989;

"government contractor" has the meaning given in section 12(2) of the Official Secrets Act 1989;

"the licensing authority" has the meaning given in regulation 6(2) (the licensing authority and the Ministers) of the Human Medicines Regulations 2012;

[^{F25}"marketing authorisation"—

- (a) in relation to a vaccine authorised for supply in the United Kingdom or in a member State, has the meaning given in regulation 8(1) (general interpretation) of the Human Medicines Regulations 2012;
- (b) in relation to a vaccine authorised for supply in a relevant country other than a member State, means a marketing authorisation granted by the relevant regulator for the country;]

"medicinal product" has the meaning given in regulation 2 (medicinal products) of the Human Medicines Regulations 2012;

"NHS COVID pass" means the COVID-19 records on the NHS smartphone app developed and operated by the Secretary of State, through the website at NHS.uk or a COVID-19 post vaccination letter obtained from the NHS;

"NHS" means the health service continued under section 1(1) of the National Health Service Act 2006;

"NHS Scotland" means the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978;

"NHS Wales" means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006;

[^{F26}"relevant country" means a country listed in the first column of the table in paragraph (11);]

[^{F26}"relevant regulator", in relation to a relevant country, means the regulator identified in the corresponding row of the second column of the table in paragraph (11), and a reference to a regulator in that table is a reference to the regulatory authority of that name designated as a

Stringent Regulatory Authority by the World Health Organization pursuant to the operation of the COVAX Facility;]

"United Kingdom vaccine roll-out overseas" means the administration of vaccination against coronavirus to-

- (a) Crown servants, government contractors or other personnel posted or based overseas and their dependants under the scheme known as the Foreign, Commonwealth and Development Office staff COVID-19 vaccination programme;
- (b) residents of the British overseas territories, the Channel Islands and the Isle of Man, as part of a programme agreed in the overseas territory, any of the Channel Islands, or the Isle of Man with the United Kingdom government; or
- (c) military or civilian personnel, government contractors and their dependants at a military posting overseas, including the British overseas territories, the Channel Islands and the Isle of Man, under the vaccination scheme provided or approved by the UK Defence Medical Services.]

[^{F27}(11) The table referred to in the definitions of "relevant country" and "relevant regulator" follows—

Relevant country	Relevant regulator
a member State	European Medicines Agency
Andorra	European Medicines Agency
Iceland	European Medicines Agency
Lichtenstein	European Medicines Agency
Monaco	European Medicines Agency
Norway	European Medicines Agency
San Marino	European Medicines Agency
Switzerland	Swissmedic
the United States of America	United States Food and Drug Administration
Vatican City State	European Medicines Agency]

Textual Amendments

- F9 Reg. 2A inserted (19.7.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 6) Regulations 2021 (S.I. 2021/865), regs. 1(2), 4 (with reg. 23)
- F10 Words in reg. 2A(2)(a) omitted (8.8.2021 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 8) Regulations 2021 (S.I. 2021/923), regs. 1(3), 3(a)(i) (with reg. 11)
- F11 Words in reg. 2A(2)(b) omitted (8.8.2021 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 8) Regulations 2021 (S.I. 2021/923), regs. 1(3), 3(a)(ii) (with reg. 11)
- F12 Words in reg. 2A(3)(b) inserted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 7) Regulations 2021 (S.I. 2021/914), regs. 1(2), 3(2)(a) (with reg. 12(a))

- F13 Reg. 2A(3)(ba) inserted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 7) Regulations 2021 (S.I. 2021/914), regs. 1(2), **3(2)(b)** (with reg. 12(a))
- **F14** Words in reg. 2A(3)(c) substituted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 7) Regulations 2021 (S.I. 2021/914), regs. 1(2), **3(2)(c)** (with reg. 12(a))
- F15 Reg. 2A(3)(ca) inserted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 7) Regulations 2021 (S.I. 2021/914), regs. 1(2), 3(2)(d) (with reg. 12(a))
- F16 Words in reg. 2A(4)(b) inserted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 7) Regulations 2021 (S.I. 2021/914), regs. 1(2), 3(3) (with reg. 12(a))
- F17 Reg. 2A(4A) inserted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 7) Regulations 2021 (S.I. 2021/914), regs. 1(2), **3(4)** (with reg. 12(a))
- **F18** Words in reg. 2A(5)(b) inserted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 7) Regulations 2021 (S.I. 2021/914), regs. 1(2), **3(5)** (with reg. 12(a))
- **F19** Words in reg. 2A(7) substituted (8.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 8) Regulations 2021 (S.I. 2021/923), regs. 1(3), **3(b)** (with reg. 11)
- F20 Reg. 2A(7ZA) inserted (22.9.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 12) Regulations 2021 (S.I. 2021/1066), regs. 1(2), 4(2)
- F21 Reg. 2A(7A) inserted (8.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 8) Regulations 2021 (S.I. 2021/923), regs. 1(3), 3(c) (with reg. 11)
- **F22** Word in reg. 2A(8) substituted (8.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 8) Regulations 2021 (S.I. 2021/923), regs. 1(3), **3(d)** (with reg. 11)
- F23 Reg. 2A(8A) inserted (22.9.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 12) Regulations 2021 (S.I. 2021/1066), regs. 1(2), 4(3)
- **F24** Words in reg. 2A(10) substituted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 7) Regulations 2021 (S.I. 2021/914), regs. 1(2), **3(6)(a)** (with reg. 12(a))
- **F25** Words in reg. 2A(10) substituted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 7) Regulations 2021 (S.I. 2021/914), regs. 1(2), **3(6)(b)** (with reg. 12(a))
- F26 Words in reg. 2A(10) inserted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 7) Regulations 2021 (S.I. 2021/914), regs. 1(2), 3(6)(c) (with reg. 12(a))
- F27 Reg. 2A(11) inserted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 7) Regulations 2021 (S.I. 2021/914), regs. 1(2), **3(6)(d)** (with reg. 12(a))

Status:

Point in time view as at 22/09/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021, PART 1.