

2021 No. 766

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 4) Regulations 2021

Made - - - - *27th June 2021*

Laid before Parliament *28th June 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, application and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 4) Regulations 2021.

(2) Subject to paragraphs (3) and (4), these Regulations come into force at 4.00 a.m. on 29th June 2021.

(3) Regulations 8, 9 and 15(a) come into force at 4.00 a.m. on 30th June 2021.

(4) Regulations 3, 4, 5(2)(a)(i), 5(3), 5(4)(a), 6(a), 6(c)(i), 10(2), 10(3), 12, 13(b) and 13(c) come into force at 4.00 a.m. on 8th July 2021.

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

(6) In these Regulations, “the principal Regulations” means the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021(b).

Amendment to the principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 15.

Amendment to regulation 3

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

(a) in paragraph (10), after sub-paragraph (b) insert—

“(ba) a member of the family forming part of the household of a person falling within paragraph 1(2A) of Schedule 4;”;

(b) in paragraph (11)(a), for “1(1) or (2) or paragraph 46 of Schedule 4” substitute “1(1), 1(2), 1(2A) or 46 of Schedule 4 or sub-paragraph (ba) of paragraph (10)”.

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

(b) S.I. 2021/582, amended by S.I. 2021/589, 670, 682 and 731.

Amendment to regulation 4

4. In regulation 4(6)(b) (exemptions from requirement to possess notification of negative test result), after “6,” insert “6A,”.

Amendment to regulation 5

5.—(1) Regulation 5 (requirements relating to tests) is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (c)—

(i) after paragraph (ii) insert—

“(iia) paragraph 1(2A) (specified persons on official business);”;

(ii) in paragraph (iii), after “duties,” insert “except where the foreign official is engaged pursuant to a binding bilateral or multilateral agreement concerning controls at St Pancras, Ebbsfleet, Cheriton, Ashford or Dover;”;

(b) in sub-paragraph (e)—

(i) in the opening words, for “or (15)(i)” substitute “, (15)(i), (15)(ia) or (15)(ib)”;

(ii) in paragraph (i), after “duties,” insert “except where the foreign official is engaged pursuant to a binding bilateral or multilateral agreement concerning controls at St Pancras, Ebbsfleet, Cheriton, Ashford or Dover;”;

(iii) at the end of paragraph (xviii), omit “or”;

(iv) after paragraph (xix) insert—

“(xx) paragraph 42 (regular work abroad), or

(xxi) paragraph 48 (senior executives).”.

(3) In paragraph (3), after sub-paragraph (c) insert—

“(ca) paragraph 6A (ferry service workers);”.

(4) In paragraph (6)—

(a) after sub-paragraph (d) insert—

“(da) a specified person travelling to the United Kingdom to conduct official business with the United Kingdom where—

(i) P has been invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs, and

(ii) prior to P’s departure to the United Kingdom the Foreign, Commonwealth and Development Office has confirmed in writing to P that they are travelling to the United Kingdom to conduct official business with the United Kingdom and are not required to comply with regulation 6;

(db) a member of the family forming part of the household of a person to whom paragraph (da) applies where—

(i) the Foreign, Commonwealth and Development Office has been notified of P’s arrival, and

(ii) the Foreign, Commonwealth and Development Office has confirmed that P is not required to comply with regulation 6;”;

(b) after sub-paragraph (f) insert—

“(g) a person described in paragraph 44B (Euro 2020 Final attendees) of Schedule 4;

(h) a person, other than a Schedule 11 passenger, who on arrival in the United Kingdom—

(i) passes through to Guernsey, Jersey or the Isle of Man without entering the United Kingdom; or

- (ii) enters the United Kingdom for the sole purpose of continuing a journey to Guernsey, Jersey or the Isle of Man and—
 - (aa) remains within their port of entry until their departure from England, or
 - (bb) travels directly from their port of entry to another port of departure in England.”.

Amendment to regulation 9

6. In regulation 9(15) (exemptions from requirement to self-isolate)—

- (a) after sub-paragraph (b) insert—
 - “(ba) in paragraph 1(2A) of Schedule 4 (specified persons on official business), P is not required to comply with this regulation;”;
- (b) after sub-paragraph (ea) insert—
 - “(eb) in paragraph 44B of Schedule 4 (Euro 2020 Final attendees), P satisfies the requirements of paragraph (2) if P complies with the conditions specified in paragraph 44B(3) of Schedule 4;”;
- (c) in the opening words of sub-paragraph (f)—
 - (i) after “6,” insert “6A,”;
 - (ii) for “19, 20 or 27” substitute “19 or 20”;
- (d) in sub-paragraph (i), after “26,” insert “27,”;
- (e) after sub-paragraph (i) insert—
 - “(ia) in paragraph 42 of Schedule 4, P is not required to comply with this regulation while undertaking, in England, the work-related activity for which they usually travel to another country at least once a week;
 - (ib) in paragraph 48(1) of Schedule 4, paragraph (2) does not require P to remain in isolation in the circumstances set out in paragraph 48(2) of that Schedule;”;
- (f) in sub-paragraph (j), after “46” insert “or 47”.

Amendment to regulations 16 and 17

7. In both regulations 16 and 17 (operator liability in respect of arrivals), after paragraph (2)(a) insert—

- “(aa) who is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation;”.

Amendment to Schedule 1

8. In Schedule 1 (category 1 countries and territories), at the appropriate places insert entries for—

- “Anguilla”;
- “Antigua and Barbuda”;
- “Balearic Islands”;
- “Barbados”;
- “Bermuda”;
- “British Antarctic Territory”;
- “British Indian Ocean Territory”;
- “British Virgin Islands”;
- “Cayman Islands”;
- “Dominica”;

“Grenada”;
“Madeira”;
“Malta”;
“Montserrat”;
“Pitcairn Islands”;
“Turks and Caicos Islands”.

Amendment to Schedule 3

9. In Schedule 3 (category 3 countries and territories), at the appropriate places insert entries for—

“Dominican Republic”;
“Eritrea”;
“Haiti”;
“Mongolia”;
“Tunisia”;
“Uganda”.

Amendment to Schedule 4

10.—(1) Schedule 4 (exemptions) is amended as follows.

(2) In paragraph 1—

(a) after sub-paragraph (2) insert—

“(2A) A specified person (“P”) travelling to the United Kingdom to conduct official business with the United Kingdom where—

- (a) P has been invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs; and
- (b) prior to P’s arrival in the United Kingdom the Foreign, Commonwealth and Development Office has confirmed in writing to P that they are travelling to the United Kingdom to conduct official business with the United Kingdom and are not required to comply with regulation 9.”;

(b) after sub-paragraph (4) insert—

“(4A) For the purposes of sub-paragraph (2A)—

- (a) “specified person” means a person who is a member of the democratic opposition in a foreign country or territory, a member of a political party in a foreign country or territory, or who undertakes activities in a foreign country or territory that support a government policy priority; and
- (b) “government policy priority” means government policy which has been designated as such by the Foreign, Commonwealth and Development Office, and includes, in particular, policy related to the promotion and protection of human rights, and policy related to the mitigation of, or adaptation to, climate change.”.

(3) After paragraph 6 insert—

“**6A.**—(1) A person who has travelled to the United Kingdom in the course of their work carrying out an essential role at a port for the safe or efficient operation of ferry services which is certified by their employer, or in the case of a self-employed person certified by them, as being—

- (a) an activity that cannot be done remotely; and
- (b) essential.

(2) In sub-paragraph (1), “ferry services” means the services operating on any maritime shipping routes between England and Belgium, Denmark, France, Germany, Ireland, the Netherlands, Spain or Sweden where the service is or will be operated at least once a week.”.

(4) After paragraph 44A insert—

“44B.—(1) A Euro 2020 Final attendee.

(2) For the purposes of this paragraph, a person (“P”) is a Euro 2020 Final attendee if P has been accredited to attend the 2020 UEFA European Football Championship Final (“the Final”) by the football association of a country whose team is competing in the Final.

(3) The conditions referred to in regulation 9(15)(eb) are—

- (a) P possesses, on arrival in England, a ticket to the Final, and
- (b) P travels directly from the port where P arrives in England to the stadium where the Final is being held and returns directly to, and departs England from, that port after the Final.”.

(5) After paragraph 46 insert—

“47. An in-flight security officer deployed pursuant to an international agreement to which the United Kingdom is a party.

48.—(1) A senior executive.

(2) The circumstances referred to in regulation 9(15)(ib) are—

- (a) the senior executive is a multinational undertaking executive or an international undertaking executive and is undertaking activity within the period during which they would, but for this paragraph, have had to self-isolate in accordance with regulation 9 and—
 - (i) if a multinational undertaking executive, the executive has a reasonable belief that the activity will more likely than not lead to the creation or continuation of employment for 500 employees or more in the United Kingdom-based branch or subsidiary of the overseas-based undertaking which that executive is visiting,
 - (ii) if an international undertaking executive, the executive has a reasonable belief that the activity will deliver significant economic benefit to the United Kingdom,
- (b) that activity requires the senior executive’s travel to and physical presence at a particular location and cannot reasonably be undertaken remotely, and
- (c) the Secretary of State considers, on the basis of relevant information, that the circumstances in paragraphs (a) and (b) are satisfied, and has confirmed this in writing, and for these purposes “relevant information” means—
 - (i) information provided by the executive or the undertaking concerned, or
 - (ii) information otherwise available to the Secretary of State.

(3) This paragraph ceases to apply if the Secretary of State withdraws the confirmation referred to in sub-paragraph (2)(c).

(4) For the purposes of this paragraph, it is reasonable to believe that an activity will deliver significant economic benefit to the United Kingdom if it is more likely than not to lead to—

- (a) an investment in a United Kingdom-based undertaking which will more likely than not lead to the creation or continuation of employment of 500 employees or more in that United Kingdom-based undertaking, or
- (b) the establishment of a new business in the United Kingdom which will more likely than not, within the period of 24 months beginning with the date on which the

international undertaking executive arrived in the United Kingdom, lead to the creation of employment for 500 employees or more in that new business.

(5) The Secretary of State may—

- (a) require an undertaking which wishes to rely on the exemption for senior executives to provide any information the Secretary of State considers necessary for the purposes of sub-paragraph (2)(c);
- (b) disclose any information provided under paragraph (a) to any person the Secretary of State considers appropriate in order to obtain advice or information as to whether the circumstances referred to in sub-paragraph (2)(a) and (b) are satisfied.

(6) In this paragraph—

“branch” means a place of business that forms a legally dependent part of an undertaking and conducts directly some or all of the operations of that undertaking;

“international undertaking executive” means a senior executive of an overseas-based undertaking who is not a multinational undertaking executive and who has travelled to the United Kingdom for business or investment purposes;

“multinational undertaking executive” means a senior executive of an overseas-based undertaking who has travelled to the United Kingdom to visit a United Kingdom-based branch or subsidiary of that overseas-based undertaking which has 500 employees or more;

“senior executive” means a director or, in relation to an undertaking which has no board of directors, a member of the equivalent management body responsible for the management of the undertaking concerned;

“undertaking” means—

- (a) body corporate or partnership, including a body corporate or partnership constituted under the law of a country or territory outside the United Kingdom, or
 - (b) an unincorporated association carrying on a trade or business,
- and whether an undertaking is a subsidiary of another undertaking is to be determined in accordance with section 1162 of the Companies Act 2006^(a);

“United Kingdom-based undertaking” means—

- (a) an undertaking whose principal place of business is in the United Kingdom and which has 500 employees or more, or
- (b) a United Kingdom branch of an overseas-based undertaking which has 500 employees or more in the United Kingdom.”.

Amendment to Schedule 5

11. In Schedule 5 (list of sporting events)—

- (a) omit the following entries—
 - (i) “R & A – The Women’s Amateur Championship”;
 - (ii) “R & A – The Amateur Championship”;

(b) at the end insert—

“Car Race – British Drag Racing Championship

NFL International Series Games

Football Association approved elite international club matches

2021 English Adaptive Surfing Open

(a) 2006 c. 46.

Welsh Rugby International Fixtures
British Reining Sherwood Circuit “Summer Sizzler”
World Snooker Tour - British Open
World Snooker Tour - Turkish Masters Qualifiers
44Cup Cowes
Dubai Duty Free Shergar Cup
Equestrian Endurance Riding - Keysoe International
European Tour - The British Challenge
European Tour - BMW Championship
Legends Tour - Scottish Senior Open hosted by Paul Lawrie
European Tour - Alfred Dunhill Links Championship
The Tour of Britain
World Snooker Tour - Northern Ireland and English Open Qualifiers
Super League Triathlon Championship London 2021
Rugby League World Cup”.

Amendment to Schedule 7

12. In paragraph 3 of Schedule 7 (testing before arrival in England)—

(a) after sub-paragraph (1)(c) insert—

“(ca) a specified person (“P”) travelling to the United Kingdom to conduct official business with the United Kingdom where—

(i) P has been invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs, and

(ii) prior to P’s departure to the United Kingdom the Foreign, Commonwealth and Development Office has confirmed in writing to P that they are travelling to the United Kingdom to conduct official business with the United Kingdom and are not required to comply with regulation 4;”;

(b) after sub-paragraph (2)(a) insert—

“(aa) “specified person” has the meaning given in paragraph 1(4A) of Schedule 4;”.

Amendment to Schedule 11

13. In paragraph 2 of Schedule 11 (additional measures)—

(a) in sub-paragraph (1)(g), after sub-paragraph (xii) insert—

“(xiii) paragraph 47 (in-flight security officers);”;

(b) after sub-paragraph (1)(m) insert—

“(n) a specified person travelling to the United Kingdom to conduct official business with the United Kingdom where—

(i) P has been invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs, and

(ii) prior to P’s departure to the United Kingdom the Foreign, Commonwealth and Development Office has confirmed in writing to P that they are travelling to

the United Kingdom to conduct official business with the United Kingdom and are not required to comply with this Schedule;

- (o) a member of the family forming part of the household of a person to whom paragraph (n) applies where, prior to P's departure to the United Kingdom—
 - (i) the Foreign, Commonwealth and Development Office has been notified of P's arrival, and
 - (ii) the Foreign, Commonwealth and Development Office has confirmed that P is not required to comply with this Schedule.”;
- (c) in sub-paragraph (3), after paragraph (i) insert—
 - “(j) R & A – The Open Championship;
 - (k) British Grand Prix.”.

Amendment to Schedule 12

- 14.** For Part 2 of Schedule 12 (information for passengers) substitute—

“PART 2

Onboard announcement

The following is a public health message on behalf of the UK's public health agencies.

However long you intend to stay in the UK, everyone must take a pre-booked covid-19 test within the first two days after you arrive. If you have been in or transited through any countries on the red or amber list you must also take another pre-booked test 8 days after arrival.

If you have been in or transited through an amber or red country within the previous 10 days you must quarantine for the first 10 days after you arrive.

The symptoms of coronavirus are a new continuous cough, a high temperature or a loss of, or change in, normal sense of taste or smell. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew.

Please follow the Public Health guidance for the area you are living or travelling in.

Visit [gov.uk/coronavirus](https://www.gov.uk/coronavirus) for more advice.”

Amendment to Schedule 13

- 15.** In Schedule 13 (prohibition on the arrival of aircraft and vessels into England)—
- (a) in paragraph 4—
 - (i) for sub-paragraph (da) substitute—
 - “(da) Dominican Republic;
 - (db) Egypt;”;
 - (ii) after sub-paragraph (ia) insert—
 - “(ib)Tunisia;”;
 - (b) in paragraph 7(4)(c)(ii), for “3” substitute “4”.

Transitional and saving provision

16.—(1) In relation to any person who arrived in England before the coming into force of an amendment made by a provision in a regulation other than regulation 7, 11 or 14, the principal Regulations apply as if that amendment had not been made.

(2) The amendment made by regulation 14 does not apply in relation to any passenger on a conveyance that departed for England before that regulation came into force.

27th June 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 and Operator Liability) (England) Regulations 2021 (S.I. 2021/582) to—

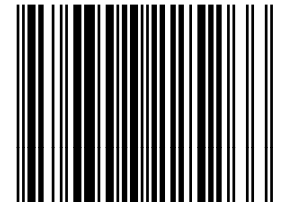
- (a) introduce limited exemptions from the requirements imposed by those Regulations for—
 - (i) specified persons (other than foreign government officials or representatives) invited by the Foreign Secretary to the United Kingdom to conduct official business,
 - (ii) essential workers (other than seafarers, such as engineers) for the operation of ferry services,
 - (iii) in-flight security officers (commonly known as sky marshals),
 - (iv) certain categories of senior executives,
 - (v) persons invited to attend the 2020 UEFA European Football Championship Final;
- (b) update the list of category 1 and 3 countries in Schedules 1 and 3 (the green and red lists);
- (c) exclude foreign border personnel working at juxtaposed controls in England (e.g. at St Pancras) and passengers transiting to Guernsey, Jersey or the Isle of Man via England from the requirement to possess a day 2/8 testing package on arrival;
- (d) remove an operator's liability for bringing a passenger who has not completed a Passenger Locator Form or is not in possession of a negative pre-departure test result to England if that passenger is being lawfully compelled to travel in the course of an extradition, prisoner transfer or deportation;
- (e) update the list of sporting events in Schedules 5 and 11;
- (f) revise the onboard public health announcement on commercial passenger conveyances arriving in England;
- (g) add the Dominican Republic and Tunisia to the list of countries, in paragraph 4 of Schedule 13, from which direct passenger flights are generally prohibited unless landing at Birmingham Airport or Heathrow Airport; and
- (h) change the designated terminal at Heathrow Airport for handling passengers on such flights from terminal 3 to terminal 4.

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

£6.90

<http://www.legislation.gov.uk/id/uksi/2021/766>

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