

## EXPLANATORY MEMORANDUM TO

### THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL AND OPERATOR LIABILITY) (ENGLAND) (AMENDMENT) (NO. 5) REGULATIONS 2021

2021 No. 795

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Health and Social Care (DHSC) and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

#### 2. Purpose of the instrument

- 2.1 This instrument amends the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 (“the International Travel Regulations”) to extend the existing exemption for EURO 2020 to individuals accredited by UEFA or the football association of a country whose team is competing in the Championship.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 DHSC regrets that this instrument breaches the rule that statutory instruments subject to the negative procedure should normally be laid, and copies provided to the Committee, 21 days before the instrument comes into force (“the 21- day rule”). Having reviewed the latest assessments of public health risk, the Government considers these measures are urgently necessary to protect public health and is acting accordingly to prevent the ingress from overseas of variants of concern. Delaying the implementation of these measures could allow a variant of concern to spread. The Government considers that the other measures are urgent for the public policy reasons detailed below.

##### *Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

#### 4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England only.

#### 5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 6. Legislative Context

- 6.1 The legislative context is set out in paragraphs 6.1 to 6.5 of the [explanatory memorandum to the International Travel Regulations](#) published on [www.legislation.gov.uk](http://www.legislation.gov.uk). A detailed description of the requirements on passengers is set out in paragraphs 7 onwards.

## 7. Policy background

### *What is being done and why?*

- 7.1.1 Requirement to provide information (Regulation 3)
- Persons who arrive in England from outside the common travel area, irrespective of whether they have arrived from a red, amber or green country, are required to provide information about themselves, their journey and accommodation on their arrival using the Passenger Locator Form.
- 7.1.2 Possession of negative test result (Regulation 4)
- Pre-departure testing reduces the number of people travelling to and entering England while they are infectious, thereby reducing danger to public health from international arrivals.
  - People travelling to England from outside the common travel area are required to possess notification of a negative COVID-19 test result upon arrival in England, or, if travelling on a shuttle service through the Channel Tunnel, upon presenting at UK immigration control at the Channel Tunnel shuttle terminal area in France.
  - A person who is travelling with a child aged 11 or over, for whom they have responsibility for, must possess notification of a negative result for that child.
- 7.1.3 Requirement to book and undertake tests (Regulations 5(1) and 6)
- Arrivals from amber-list or red-list countries who remain in England for 2 days or more are required to possess a booking for a day 2 test and a day 8 test upon arrival and provide evidence of such, if requested by an immigration officer or constable. Amber list arrivals who intend to leave England either on or before the 7th day of their arrival are only required to possess a booking for a day 2 test. If such a person in fact stays for 8 days or more, they are required to undertake a day 8 test. Green-list arrivals are only required to possess a booking for a day 2 test on arrival if they intend to remain in England for 2 days or more).
  - If a day 2 test generates a positive result, the person who has tested positive will need to self-isolate or remain in quarantine for 10 days after the day on which they took the test. They will not be required to undertake a day 8 test.
- 7.1.4 Requirements relating to self-isolation (Regulation 9)
- Arrivals in England must self-isolate if they have travelled from (a) an amber (category 2) country or territory or (b) from a green (category 1) country or territory and, within the 10 days preceding their arrival, they have departed from or transited through an amber (category 2) country or territory. They must remain in self-isolation until 10 days have elapsed since the day after they left an amber country or territory. Additionally, the limited number of red-list arrivals who are exempt from managed self-isolation must comply with the normal self-isolation rules.
  - A person may not leave, or be outside of, the place where they are self-isolating except for reasons set out in regulation 9(11).

- A person who arrives in England from a country or territory listed in Schedule 3 (category 3 countries or territories – commonly known as the red list), or has in the 10 days before their arrival in England departed from or transited through a country or territory listed in that Schedule, must be in possession of a “managed self-isolation package” upon arrival.
  - A managed self-isolation package is a booking for a place in accommodation designated by the Secretary of State. Arrivals from category 3 / red list countries or territories must enter England at a designated port and travel directly to the booked accommodation using the approved transport.
- 7.2 These measures are designed to reduce the public health risks posed by the spread of COVID-19, in particular with respect to the possibility of a variant of concern or high-risk variant under investigation being imported to the UK.
- 7.3 This instrument adds a modification to the existing exemption in paragraph 44A of Schedule 4 to the International Travel Regulations.
- 7.3.1 Paragraph 44A applies to specified people who have been invited to attend a Euro 2020 event by the English Football Association. Its effect is to exempt them from the obligation to isolate on arrival into England which would otherwise apply to arrivals from countries on the amber list (category 2) for the limited purpose of travelling to an attending Euro 2020 events. It does not apply to people who arrive from red list countries (category 2).
- 7.3.2 This modification to the existing exemption will more accurately reflect the detail of the commitments agreed with UEFA to include in scope invitees accredited by the English Football Association at the request of either UEFA or one of the football associations for the remaining teams still competing in the 2020 UEFA European Football Championship at the semi-final or final stage. These invitees will be subject to the duty to self-isolate, but the exemption will permit them to attend official Euro 2020 events. They will still be subject to the wider public health border requirements, including pre-departure test, passenger locator form, and mandatory testing after arrival. Although not a statutory obligation in these Regulations, they will also be managed under strict public health protocols, such as dedicated private transport and accommodation and daily Lateral Flow testing during their stay. Invitees covered by this amendment should be in the UK for no more than 24-36 hours and interactions with members of the local population will be minimised as much as possible. The number of those exempted will also be limited and closely managed by the English Football Association and DCMS, in liaison with the overseas football associations – in line with the processes around the existing elite sport exemption.
- 8. European Union Withdrawal and Future Relationship**
- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act 2018.
- 9. Consolidation**
- 9.1 This instrument does not consolidate any legislation and there are no plans to do so at this time.
- 10. Consultation outcome**
- 10.1 There has been no public consultation in relation to this instrument.

## **11. Guidance**

- 11.1 The Government has published guidance in relation to Covid-19 at <http://www.gov.uk/coronavirus> and this guidance will include any updated information in relation to these amendments.

## **12. Impact**

- 12.1 An Impact Assessment has not been prepared for this instrument because it is a temporary measure which is part of the Government's response to COVID-19. As these Regulations are specifically concerned with the 2020 UEFA European Football Championships, the fact that the final match in those Championships takes place on 11th July means that a Regulatory Impact Assessment is not required and would be disproportionate.

## **13. Regulating small business**

- 13.1 These Regulations do not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

- 14.1 The Secretary of State must review the need for the requirements imposed by the International Travel Regulations, which this instrument amends, at least every 28 days as a result of a statutory review clause.

## **15. Contact**

- 15.1 Nathan Hepburn at the Department of Health and Social Care (email: [Nathan.Hepburn@dhsc.gov.uk](mailto:Nathan.Hepburn@dhsc.gov.uk)) can be contacted with any queries regarding the instrument.
- 15.2 Ronnie Haynes, Deputy Director at the Department of Health and Social Care, can confirm that this explanatory memorandum meets the required standard.
- 15.3 Lord Bethell, Parliamentary Under Secretary of State at the Department of Health and Social Care, can confirm that this explanatory memorandum meets the required standard.