

EXPLANATORY MEMORANDUM TO

THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL AND OPERATOR LIABILITY) (ENGLAND) (AMENDMENT) (NO. 2) REGULATIONS 2022

2022 No. 125

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 (S.I. 2021/582) ("the Regulations") to revise the baseline border measures to facilitate the safe recovery to former levels of travel, whilst retaining the ability to monitor and respond to threats to public health in a timely manner. The requirement for eligible travellers to complete a post-arrival test (described in the Regulations as a day 2 test) is removed, as well as the requirement for non-eligible travellers to complete a day 8 test and undertake a ten-day self-isolation period upon arrival. This instrument expands the "eligible traveller" category to recognise vaccinations certified by 16 additional countries and territories internationally, including a number who have secured equivalency status with the EU Digital COVID Certificate. A new provision is introduced to allow non-eligible travellers, who have not been in a red list country in the previous 10 days, who have tested positive for Covid-19 to end their self-isolation period after five full days, subject to the receipt of two negative Lateral Flow Device tests taken at least 24 hours apart with the first being taken no earlier than day five. This amendment also introduces updates to streamline and rationalise the Passenger Locator Form, current exemption regime and the penalties for operators.

3. Matters of special interest to Parliament

- 3.1 DHSC regrets that, with the exception of one change, this instrument breaches the rule that statutory instruments subject to the negative procedure should normally be laid 21 days before the instrument comes into force ("the 21-day rule"). The Government considers these measures are urgently necessary to ensure that the public health restrictions in place remain proportionate, in the context of the evolving epidemiological and immunological picture.
- 3.2 Where it has been possible, the coming into force of provisions in the instrument have been delayed to follow the 21-day rule. The regulations implementing changes to obligations on private providers of testing and amendments to the Health Protection (Notification) Regulations 2010 are not urgent measures and so will come into force in accordance with this rule.

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

6. Legislative Context

- 6.1 Part 2A of the Public Health (Control of Disease) Act 1984 provides a legislative framework for health protection in England and Wales. Section 45B(1) enables the appropriate Minister (defined in section 45T as, for England, the Secretary of State) to make regulations for preventing danger to public health from vessels, aircraft, trains or other conveyances arriving at any place and preventing the spread of infection or contamination by means of any vessel, aircraft, train or other conveyance leaving any place. Section 45P(2) provides that the power to make regulations includes the power to make different provision for different cases or areas.
- 6.2 The Secretary of State made The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 which came into force on 17 May 2021 to replace The Health Protection (Coronavirus, International Travel) (England) Regulations 2020 which were due to expire on 2 June 2021. The Regulations are currently subject to a formal review at least once every 28 days.
- 6.3 The amendments to the Health Protection (Notification) Regulations 2010 are made subject to the negative resolution procedure because the Secretary of State and the Minister of State are satisfied that it does not contain any provision imposing or enabling the imposition of restrictions or requirements having a significant effect on a person's rights.

7. Policy background

What is being done and why?

- 7.1 This instrument updates the Regulations to revise baseline border measures to take proportionate and necessary steps to see a safe return to former levels of travel and national recovery. Omicron is now the dominant variant domestically and widely seeded throughout the UK; as a result, community transmission significantly outstrips importation from international arrivals. Though variants of concern remain a threat to public health, the success of the UK's booster programme has provided significant protection, with vaccinated individuals being less likely to experience severe clinical outcomes from infection, and we now have a clearer understanding, in the wake of the Omicron wave, of the role that border measures should play in future responses. It has therefore been considered that now is the right time to take proportionate steps to further reduce travel restrictions.

Eligible travellers

- 7.2 Vaccinated arrivals certified in specific countries, those who are participants or have participated in recognised clinical trials, people who are not vaccinated for clinical reasons on the advice of a medical practitioner with evidence issued by the NHS, and

those under the age of 18, known as “Eligible travellers”, are subject to different requirements to unvaccinated travellers.

- 7.3 In this new context where we have an improved understanding of the properties of the Omicron variant and have a booster programme which is proving to be successful both in terms of roll-out and in protection against the variant, it is no longer proportionate to require eligible travellers arriving in England to undertake extensive testing, at cost, and self-isolation periods for longer than necessary. Recent evidence suggests that the economic disbenefits of testing on the traveller and limited recovery of international travel outweigh the additional public health benefits that a testing system adds to our regime for vaccinated arrivals.
- 7.4 In line with this, this amendment removes all self-isolation and testing requirements on eligible travellers arriving in England from non-red list countries. Eligible travellers continue to be required to complete a simplified version of the Passenger Locator Form (PLF) to confirm their basic details, travel history and their eligibility status. This amendment accelerates the recovery of safe international travel and reduces the cost of travel for individuals whilst retaining the ability to monitor and trace inbound travel.
- 7.5 Updates are also made to continue to take advantage of our confidence in vaccination programmes overseas by expanding the “eligible traveller” category to recognise vaccination certificates from 16 additional countries and territories internationally. This will proportionately reduce the costs associated with the travel system and make it less complex to navigate for a greater number of individuals internationally, further facilitating family reconnections, holidays and business travel. This includes the addition of 3 countries (Cape Verde, El Salvador and Togo) who have secured equivalency status with the EU Digital COVID Certificate (EU DCC). This takes advantage of our judgement that the EU implements a robust system for validating equivalency status to simplify certification at the border. Additionally, updates are made to accept only the EU DCC equivalent certificates for the following countries and territories, in recognition of the fact that the EU DCC constitutes a robust certification framework that aligns with multilateral standards and that our intention was always to accept these certificates by default: Albania, Armenia, Georgia, Israel, Lebanon, Moldova, Montenegro, Morocco, New Zealand, North Macedonia, Panama, Serbia, Singapore, Taiwan, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates and Uruguay.

Non-eligible travellers

- 7.6 A “non-eligible traveller” is one who is above 18 years of age on arrival in England, is not a red-list traveller, does not meet the conditions for an eligible traveller such as vaccination by a relevant country, participation in a qualifying clinical trial or does not meet the conditions for English or Scottish clinical exemptions.
- 7.7 There continues to be a benefit from differentiating requirements by vaccination status at the border given that vaccinated arrivals benefit from a reduced risk of spreading infection, as well as a reduced risk of experiencing severe disease and hospitalisation. Evidence shows that COVID-19 positivity rates for unvaccinated travellers are higher than that of vaccinated arrivals. However, whilst the scale of these benefits is still being quantified and understood in the context of the Omicron COVID-19 variant, it is now deemed disproportionate to continue to require unvaccinated arrivals to follow the current much stricter regime. Accordingly, this amendment removes the

requirement for non-eligible travellers to self-isolate and complete a Day 8 test upon arrival in England from a non-red list country. This amendment also removes the option for non-eligible travellers to take a Day 5 Test to Release given that this cohort no longer have any self-isolation obligations upon entry to England. However, non-eligible travellers continue to be required to undertake a pre-departure and post-arrival PCR test in order to protect individual during transit, maintain variant detection rates and detect positive cases. This ensures that the ITOLRs are effective and proportionate in reflecting the public health benefits of vaccination uptake.

Non-eligible travellers – transitional self-isolation provisions

- 7.8 In line with the removal of self-isolation requirements for non-eligible travellers, it is also deemed disproportionate to require non-eligible travellers who have arrived in England before 4am on 11th February 2022 to continue to self-isolate beyond the point at which they receive a negative post-arrival PCR test result. A transitional provision allows non-eligible travellers who have arrived in England before the coming into force date of this amendment (4am on 11th February 2022) to leave self-isolation from 4am on 11th February 2022 onwards, subject to a negative post-arrival PCR test result. Individuals who have not yet taken their post-arrival test or received their result must complete the test and await that result. That result must be negative in order to be permitted to leave self-isolation. Individuals receiving a void or inconclusive test result must self-isolate for ten full days from the day after the test was taken. The individual can choose to take another private test and if that test result is a negative result, they can stop self-isolating. Individuals who fail to take their post-arrival test must self-isolate for fourteen days from the day after arrival in England, unless they take a replacement test which, if negative, ends isolation.
- 7.9 Individuals in this cohort are still required to purchase and take a Day 8 test as per the requirements in place at their point of arrival in England. The rationale behind this decision is that it would be disproportionate to require this cohort to remain in self-isolation for a full 10 days where they have tested negative on their post-arrival test. However, as the current regulations require individuals in this cohort to have purchased and declared a day 8 test on their PLF for public health reasons, it is proportionate for these passengers to be required to take the day 8 test. Introducing transitional testing changes for this group would disproportionately hinder the running of the interaction between passenger, PLF, operator checks and border checks, and interfere with the overarching system, creating a risk of non-compliance. Additionally, we are aware from private provider testing data that passengers do test positive on their day 8 test even when their post-arrival test was negative.

Non-eligible travellers – positive cases

- 7.10 On 22nd December 2021, the domestic self-isolation guidance was updated to allow individuals testing positive for COVID-19 in England, irrelevant of vaccination status, to end their self-isolation period early subject to the receipt of two negative LFD test results, taken 24 hours apart, with the first test being taken no earlier than day six of the self-isolation period. This was updated on 17 January 2022 to reflect that the first test should be taken no earlier than day five of the self-isolation period. This new approach reflected the latest public health evidence to support essential public services and supply chains over the winter, while still limiting the spread of the virus. Given the prevalence of Omicron both domestically and internationally, it is now understood that there is little difference between a positive COVID-19 case as a result of

travelling into England and a case contracted domestically. Therefore, this amendment introduces a new provision to allow non-eligible travellers, arriving from a non-red list country after 4 am on 11th February 2022 and subsequently testing positive, to end their self-isolation period after five full days subject to the receipt of two negative LFDs taken at least 24 hours apart and no earlier than day five. The guidance will record that the individual should be non-symptomatic and without a high temperature to benefit from this early release. This brings the treatment of all non-red list international arrivals into alignment, irrelevant of vaccination status, mirroring the domestic regime. The default self-isolation period continues to be 10 days for all covid-positive individuals, irrelevant of vaccination status, if the early release guidance is not followed.

Bespoke and workforce testing

- 7.11 Following the introduction of post-arrival testing for international arrivals from 15 February 2021, it was agreed that certain workers would be exempt on the grounds of proportionality and practicality, and twenty-two cohorts have been subject to the workforce/bespoke testing regime accordingly. The regimes were designed to ensure that they did not deter or disrupt critical activity such as essential freight and transport by being more stringent than normal passenger requirements, whilst still mitigating risks to public health.
- 7.12 The bespoke testing regime came into force in April 2021, requiring different workers to undertake various combinations of either LFD or PCR based tests. The delivery of these tests was mainly through workplace testing delivered free via the Universal Testing Offer (UTO) owned by DHSC. These cohorts were required to take an LFD test on day 2 (days 2, 5 and 8 for unvaccinated workers), or every 3 days for regular cross-border workers. However, sectoral exemptions to this bespoke testing regime created complexities within this system.
- 7.13 This amendment updates the bespoke testing regime to ensure that its requirements reflect the latest public health information, as detailed above for the general population testing measures introduced by this instrument. Accordingly, bespoke testing arrangements applying to cross-border transport workers, essential defence staff, seasonal and temporary horticultural and food processing workers, UK border officers and people transporting human cells or blood are updated to ensure that the treatment of these groups is aligned with the general travel testing measures.

Exemptions

- 7.14 The exemptions framework has developed over time and is very complex. The Regulations revise and simplify the exemptions in Schedule 4. As a result of the decision to remove mandatory self-isolation measures at the border for non-eligible travellers, exemptions from self-isolation are no longer required and can be removed from the Regulations. A narrower list of exemptions is retained from the remaining international travel restrictions (the Passenger Locator Form (PLF), Pre-departure testing (PDT), post arrival testing and Managed Quarantine Service (MQS)). Accordingly, all exemptions which applied only to the mandatory self-isolation requirement are being removed from Schedule 4 of the regulations. Persons falling within these categories will follow the standard international travel rules. This includes the removal of international events exemptions and Schedule 5 list of sporting events relating to the elite sports exemptions.

- 7.15 Updates are made by this instrument to move the following cohorts out of bespoke testing and into general international travel testing: offshore oil and gas, network rail and HS2 workers. As a result, these exemption cohorts are removed from the Regulations. This amendment also moves extradition officers, international prison escorts (including overseas prison escorts) and repatriated prisoners into general international travel testing. However, these exemptions are retained within the Regulations as these cohorts continue to require an MQS exemption, should a country be added to the Red list.
- 7.16 Another key aim of this amendment is to provide stability for travellers and the travel industry throughout 2022. Therefore, changes are made to streamline and rationalise the remaining exemptions into the following ten new exemption categories:
- **Seasonal and Temporary Horticultural and Food Processing Workers:** The purpose of this exemption is to help support the food and non-edible horticulture supply chain and maintain animal welfare. The poultry workers element of this exemption will be removed from regulations as this work is no longer in season. Individuals must: take a PDT, complete a PLF, complete testing as part of a bespoke testing regime. They are not exempt from MQS.
 - **Transporting Human Cells or Blood:** This exemption is intended to allow individuals transporting urgent substances of human origin who can only transport these substances by hand luggage. Individuals must: complete a PLF, follow a bespoke testing regime. Individuals are exempt from: taking a PDT, and MQS.
 - **Cross-Border Transport workers:** This exemption covers transport workers (including drivers of goods vehicles, haulier outreach workers, Channel Tunnel systems workers, bus and coach drivers, aircraft pilots and crew (the definition of aircraft pilots and crew has been amended to include non-flight safety engineers following the removal of the aerospace engineers exemption to ensure that work related to maintaining the safety of aircraft is retained within scope), civil aviation inspectors, Seamen and masters, pilots and inspectors and seamen and masters who work on fishing vessels and surveyors of ships, port workers, Eurostar international workers and Eurotunnel Workers) who are crossing the UK border. Individuals must follow a bespoke testing regime (except civil aviation inspectors who will remain in general travel testing). Individuals are exempt from: taking a PDT, completing a PLF, MQS (for aircraft crew and pilots, Seamen and masters, pilots and inspectors and surveyors of ships (except those working on cruise ships) and hauliers.
 - **Essential government work, operations and state business:** This exemption covers (1) crown servants and government contractors who are undertaking essential government work in the UK, or returning from conducting such work outside of the UK; (2) a person required to undertake essential state business in the UK or returning from conducting such business outside of the UK; (3) a person returning to the UK where necessary to facilitate the functioning of a diplomatic or consular mission; and (4) a person required to undertake essential or emergency work in the UK or returning from undertaking such work outside of the UK. Individuals must: complete a PLF. Individuals can be exempt on a case-by-case basis from all other health border measures if the relevant government department confirms that they have met certain criteria.

- **Members of Diplomatic Missions and Consular Posts:** This exemption covers members of missions and consular posts in the UK as well as diplomatic/consular couriers and heads of state (as well as families forming part of a household). These individuals must: take a PDT. Individuals are exempt from: All other border health measures.
- **Persons on official business:** This exemption covers (1) persons with relevant privileges and immunities in the UK; (2) officers of an international organisation on official business; (3) representatives of a foreign country or territory or British Overseas Territories on official business with the UK; (4) foreign policy interlocutors; (5) persons conducting essential maintenance or repairs to IT or security systems at diplomatic or consular missions in the UK; and (6) foreign election monitors. Individuals can be exempt on a case-by-case basis from all border health measures subject to approval by FCDO.
- **Border Security Duties:** This exemption will mainly be used by Border Force or French Border staff/contractors who travel daily to operate and maintain overseas control. The individuals must: Follow a bespoke testing regime if they are UK based, overseas personnel must follow general traveller testing except those working on the juxtaposed controls who are not required to test. Individuals are exempt from taking a PDT, completing a PLF and MQS.
- **Law Enforcement:** This exemption allows for the UK to meet its law enforcement obligations. Individuals must take a PDT, complete a PLF, undertake general travel post arrival tests. Individuals are exempt from MQS. This group will no longer remain within the bespoke testing regime however, this exemption will be retained within the Regulations as this cohort continue to require an MQS exemption, should a country be added to the Red list.
- **Defence Personnel, Visiting Forces and Government Contractors:** Defence personnel are subject to both frequent and short notice travel in support of HMG business. This exemption allows this essential activity to continue in instances when it is not compatible with the COVID-19 border health measures. Individuals must follow a bespoke testing regime. Individuals are exempt from: taking a PDT, completing a PLF and MQS.
- **In-Flight Security Officers (IFSOs):** IFSOs are deployed by other nations for the purpose of securing the safety of aircraft and passengers. IFSOs are required to maintain very high levels of operational security surrounding their missions. An exemption to MQS for IFSOs deployed by nations where formal agreements are in place, USA, Canada and Kuwait. The exemption allows for IFSOs to quarantine outside of the MQS system to protect the security and integrity of missions. This exemption applies to MQS only, they must complete the PLF, take a PDT, comply with general traveller testing and must self-isolate.

7.17 This amendment also introduces changes to ensure that individuals granted exemptions from the MQS (Schedule 11) continue to be required to self-isolate under Regulation 9. The policy intent and application remain unchanged.

Passenger Locator Form

7.18 In line with the intention to streamline border measures, this amendment simplifies the Passenger Locator Form (PLF) to become a shorter document. This will make the process easier for the public to follow and comply with. To achieve this, the amendment removes certain information requirements to reflect provisions which are

no longer relevant following the reduction of testing and self-isolation requirements for both eligible and non-eligible travellers. Separately, document type and nationality fields are introduced to support work Home Office are undertaking to allow passengers' PLF status to be digitally checked prior to departure, as part of a wider programme of work on electronic travel authorisations and pre-clearance.

- 7.19 Updates are also made to extend the window for PLF completion to three days from the previously specified window of 48 hours. The window had previously been shorter to prevent the submission of incorrect forms should the requirements for completion of the PLF be changed at short notice. This reduced the number of travellers who would potentially have completed a form incorrectly following a change in the information they would have been required to provide. As there will now be increased stability to our borders policy, and changes to PLF requirements will become less regular, it is now appropriate to extend the period to make the process easier for international arrivals who now have more time to complete the form.

Private provider and Operator Liabilities, offences and processes

- 7.20 This amendment updates the private provider provisions to require the five-digit prefix of a unique booking reference, used by providers to identify the test package, to be assigned to individual test providers by UKHSA in order to prevent false test packages being added to PLFs. This will come into force after 21 days to give the sector time to adjust their practices.
- 7.21 To further streamline the Regulations, this amendment makes changes to replace the current set of complex operator offences, which can result in a very high total liability for an operator (e.g. airlines), with offences for failing to keep required records and failing to provide records to the regulator.
- 7.22 This amendment also updates information operators are obliged to provide passengers both in advance of and during travel (the latter through an onboard announcement). The changes also simplify requirements on operators by reducing the current requirement to provide specified information at three distinct times prior to departure to a single pre-departure information requirement.

What will it do now?

- 7.23 This instrument amends the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 to bring the following provisions into force at 4am on 11th February:

Eligible travellers

- Remove the requirement for eligible travellers to complete a day 2 test.
- Remove all self-isolation requirements for eligible travellers. Previously, if an eligible traveller failed to undertake a day 2 test before the end of the permitted period, or received a positive or inconclusive/void result, they were required to self-isolate for a period of time.
- Expand the “eligible traveller” category to recognise vaccination certificates from sixteen additional countries and territories internationally.

Non-eligible travellers

- Remove the requirement for non-eligible travellers to complete a day 8 test.

- Remove the requirement for non-eligible travellers to self-isolate upon arrival in England.
- Remove the option for non-eligible travellers to take a day 5 test to release given that this cohort no longer have any self-isolation obligations upon entry to England (including removing Schedule 10).
- Update requirements for non-eligible travellers who complete a void or inconclusive day 2 test, or don't complete a day 2 test at all. Individuals receiving a void or inconclusive test result must start self-isolating from the day after the test was taken and isolate for ten full days. The individual can choose to take another private test and if that test result is a negative result, they can stop self-isolating. Individuals who fail to take a test must self-isolate for fourteen days from the day after arrival in England, unless they take a replacement test which, if negative, ends isolation.
- Introduce a transitional provision to allow non-eligible travellers who have arrived in England before 4am on 11th February 2022 to leave self-isolation from that point onwards, subject to the receipt of a negative Day 2 PCR test result. The self-isolation requirements in the above bullet will apply to individuals who receive a void/inconclusive day 2 test, or don't complete a day 2 test at all.

Category 1

- References to category 1 (also known as the “green list”) are removed to clarify the Regulations.

Covid-positive non-eligible travellers

- Introduce a new provision to allow non-eligible travellers arriving after 4 am on 11th February 2022 and subsequently testing positive to end their self-isolation period after five full days subject to the receipt of two negative LFDs taken at least 24 hours apart and the first taken no earlier than day five. The default self-isolation period continues to be 10 days for all covid-positive individuals, irrelevant of vaccination status, if the early release guidance is not followed. Guidance will advise that the individual should no longer have a high temperature to benefit from this early release.

Bespoke and workforce testing

- Update the bespoke testing regime to ensure that its requirements reflect the latest public health information, as detailed above for the general population testing measures introduced by this instrument. Bespoke testing arrangements applying to cross-border transport workers, essential defence staff, seasonal and temporary food and farm workers, UK border officers and people transporting human cells or blood are updated to ensure that the treatment of these groups is no more onerous than general travel testing measures. Aircrew, road haulage workers, certain seafarers, UK border officers, people transporting human cells or blood and essential defence staff also have a red list exemption.

Exemptions

- Revise and simplify all of the exemptions in Schedule 4. This includes the removal of a number of exemptions including the international events exemptions and Schedule 5 list of sporting events relating to the elite sports exemptions.

- Move offshore oil and gas, network rail and HS2 workers out of bespoke testing and into general international travel testing. As a result, these exemption cohorts are removed from Regulations.
- Move extradition officers, international prison escorts (including overseas prison escorts) and repatriated prisoners into general international travel testing.

Passenger Locator Form

- Amend Schedule 6 to clarify what information each cohort of traveller must provide.
- Amend the information required under Schedule 6, in line with the changes to testing and self-isolation requirement, to reflect:
 - Removing test to release for all travellers;
 - Removing testing for eligible travellers;
 - Retaining self-isolation on arrival only in relation to category 3 arrivals.

Private provider and Operator Liabilities, offences and processes

- Replace lengthy and complex requirements on operators with more general requirement to maintain sufficient processes and systems. Replace individual per passenger offences with offences for failing to keep required records, and failure to provide records to the regulator.
- Revising the wording of Part 1 Schedule 12, which contains essential information that operators are required to relay to travellers both in advance of and during travel to England from overseas, to bring it into line with amendments made in this instrument.
- Amend the requirement of an onboard announcement in part 2 of Schedule 12 to reflect changes in this instrument.
- Reduce the current requirement to provide specified information at three distinct times prior to departure to a single pre-departure information requirement.
- Expand and simplify the systems-based approach for operator liability, which is currently used for the vaccine evidence check requirement, to cover all document checking requirements and the requirement to ensure that red list passengers arrive only at designated ports.
- Make changes to the set text requirement on operator websites, producing a more flexible approach that sets out key criteria operators must follow and points towards guidance on gov.uk.
- Updating the list of relevant webpages in part 3 to reflect amendments made in this instrument.

7.24 This instrument amends the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 to bring the following provisions into force at 4am on 16 February 2022:

Passenger locator form

Amend the information required under Schedule 6 to ensure only the information needed for contact tracing is requested:

- Remove 'sex' field
- Add 'travel document type' field

- Add ‘nationality’ field
- Remove “relationship to you” field for an accompanying child.

7.25 This instrument amends the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 to bring the following provisions into force at 4am on 28 February 2022:

Eligible travellers

- Updates are made to ensure that the countries and territories who have secured equivalency status with the EU Digital COVID Certificate (EU DCC) are listed solely within the EU DCC provision as the only form of eligible certificate.

Passenger locator form

- Extend the window for PLF completion to three days from 48 hours.

7.26 This instrument amends the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 to bring the following provisions into force on 3 March 2022:

- Update the private provider provisions to require the five-digit prefix of a unique booking reference, used by providers to identify the test package, to be assigned to individual test providers by UKHSA.
- Amend the reporting requirements in the Health Protection (Notification) Regulations 2010 to reflect the changes to international travel testing made in this instrument.

What did any law do before the changes to be made by this instrument?

- 7.27 The Regulations came into force on 17 May 2021 to deliver a package of enhanced border measures in response to the risk of importation of harmful variants of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England. Currently, the requirements for an individual arriving in England under these regulations are dependent on a combination of eligibility status, country of certification and the risk level of the country of departure, categorised as either a red list or non-red list country. There are currently no countries or territories on the red list. All individuals are required to fill in the Passenger Locator Form before arriving in the UK irrespective of vaccination status unless an exemption applies.
- 7.28 Vaccinated arrivals certified in specific countries, those who are participants or have participated in recognised clinical trials, people who are not vaccinated for clinical reasons on the advice of a medical practitioner with evidence issued by the NHS, and those under the age of 18, known as “Eligible travellers”, are subject to different requirements to unvaccinated travellers. Provided they have not been in a Red List country in the last 10 days, eligible travellers are required to take a post-arrival PCR test which, if positive, requires them to self-isolate under the Domestic Self-Isolation Regulations. The eligible traveller may choose to carry out their post-arrival test with an LFD instead, which, if positive, must be followed by a confirmatory PCR test.
- 7.29 All other arrivals (“non-Eligible travellers”) from non-Red List countries are required to take a pre-departure test, book and take a post-arrival and day 8 test and to self-isolate for 10 days.
- 7.30 The Regulations also include a number of exemptions from requirements relating to the PLF, pre-departure testing, post-arrival testing and MQS for a small proportion of

people, this includes people travelling to the UK to maintain essential supply and business chains, critical national infrastructure or to contribute to crisis response or other key sectors, known as “sector exemptions”. Specific exemptions are also in place to successfully deliver a select number of events of cultural and national importance in the UK. All exemptions have been implemented alongside robust public health requirements in order to minimise any risk to public health.

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 the Regulations, which this instrument amends, will cease to have effect on 16 May 2022 a Regulatory Impact Assessment is not required and would be disproportionate.

13. Regulating small business

13.1 This instrument applies 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 Regulations, which this instrument amends, at least every 28 days as a result of a statutory review clause.

15. Contact

15.1 Jessica Sterling at the Department of Health and Social Care, email: Jessica.sterling@dhsc.gov.uk, can be contacted with any queries regarding the instrument.

15.2 Mark Joannides, Deputy Director for MQS, at the Department of Health and Social Care can confirm that this explanatory memorandum meets the required standard.

15.3 Gillian Keegan, the Minister of State for Care and Mental Health at the Department of Health and Social Care, can confirm that this explanatory memorandum meets the required standard.