

[<sup>F1</sup>SCHEDULE 5A

Regulations 14A and 14B

Persons exempt from the restrictions on leaving the United Kingdom, and the requirement to have a travel declaration form

**Textual Amendments**

**F1** Sch. 5A inserted (12.4.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2021 \(S.I. 2021/457\)](#), regs. 1(2), **2(19)**

- 1.—(1) A person (“P”) who is—
- (a) a member of a diplomatic mission in the United Kingdom,
  - (b) a member of a consular post in the United Kingdom,
  - (c) an officer or servant of an international organisation,
  - (d) employed by an international organisation as an expert or on a mission,
  - (e) a representative to an international organisation,
  - (f) a representative at an international or United Kingdom conference who is granted privileges and immunities in the United Kingdom,
  - (g) a member of the official staff of a representative to an international organisation, or of a person falling within paragraph (f),
  - (h) described in paragraph (a) or (b) who is passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality,
  - (i) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom,
  - (j) a representative of the government of a British overseas territory,
  - (k) a diplomatic courier or a consular courier, or
  - (l) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (k).
- (2) For the purposes of this paragraph—
- (a) “consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963;
  - (b) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
  - (c) “diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961;
  - (d) “international organisation” means an international organisation accorded privileges and immunities in the United Kingdom;
  - (e) “member of a consular post” means a “consular officer”, “consular employee” and “member of the service staff” as defined in Schedule 1 to the Consular Relations Act 1968, and “head of consular post” has the meaning given in that Schedule;

**Status:** Point in time view as at 12/04/2021.

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- (f) “member of a diplomatic mission” means the “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” and “members of the service staff” as defined in Schedule 1 to the Diplomatic Privileges Act 1964.
- 2.—**(1) A Crown servant or government contractor where they are undertaking essential government work related to the United Kingdom border outside of the United Kingdom.
- (2) For the purposes of sub-paragraph (1) and paragraph 3—
- (a) “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989;
  - (b) “essential government work” means work which has been designated as such by the relevant Department or employer;
  - (c) “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.
- 3.—**(1) A person who is a Crown servant, a government contractor, or a member of a visiting force, who—
- (a) is required to undertake work necessary to the delivery of essential defence activities;
  - (b) is travelling on a vessel or aircraft operated by, or in support of, Her Majesty’s armed forces or by, or in support of, a visiting force.
- (2) For the purposes of sub-paragraph (1)—
- (a) “defence” has the meaning given in section 2(4) of the Official Secrets Act 1989;
  - (b) “visiting force” means any body, contingent or detachment of the forces of a country, being a body, contingent or detachment for the time being present in the United Kingdom (including United Kingdom territorial waters), on the invitation of her Majesty’s Government for the United Kingdom.
- 4.** An official of a foreign Government, who came to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties.
- 5.—**(1) A transit passenger.
- (2) For the purposes of sub-paragraph (1), “transit passenger” means a person who, on arrival in the United Kingdom—
- (a) passes through to another country or territory outside the common travel area without entering the United Kingdom, or
  - (b) enters the United Kingdom for the sole purpose of continuing a journey to a country or territory outside the common travel area and—
    - (i) remains within their port of entry until their departure from Wales, or
    - (ii) travels directly from their port of entry to another port of departure in Wales.
- 6.—**(1) A road haulage worker or a road passenger transport worker.
- (2) For the purposes of this paragraph—
- (a) “driver” includes a person who is travelling in a vehicle as a relief driver;
  - (b) “goods vehicle” has the meaning given in section 192 of the Road Traffic Act 1988;
  - (c) “road haulage worker” means—
    - (i) the driver of a goods vehicle that is being used in connection with the carriage of goods, other than goods for non-commercial personal use by the driver, or

- (ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council, and who is acting in the course of their employment;
- (d) “public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981;
- (e) “road passenger transport worker” means—
  - (i) the driver of a public service vehicle, or
  - (ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1073/2009 of the European Parliament and of the Council, and who is acting in the course of their employment.

**7.—(1)** Seamen and masters, as defined in section 313(1) of the Merchant Shipping Act 1995, where they are travelling from the United Kingdom in the course of their work or are being repatriated from the United Kingdom in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007.

(2) For the purposes of sub-paragraph (1)—

- (a) “the Maritime Labour Convention, 2006” means the Convention adopted on 23 February 2006 by the General Conference of the International Labour Organisation;
- (b) “the Work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14 June 2007 by the International Labour Organisation.

**8.** A pilot, as defined in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995, where they are travelling from the United Kingdom in the course of their work or are being repatriated from the United Kingdom.

**9.** An inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995, or by a government of a relevant British possession as defined in section 313(1) of that Act, where they are travelling from the United Kingdom in the course of their work.

**10.—(1)** A member of aircraft crew where they are travelling from the United Kingdom in the course of their work or are otherwise required to travel from the United Kingdom for work purposes.

(2) In sub-paragraph (1)—

- (a) “member of aircraft crew” means a person who—
  - (i) acts as a pilot, flight navigator, flight engineer or flight radiotelephony operator of the aircraft,
  - (ii) is carried on the flight deck and is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) of the Air Navigation Order 2016 or under Annex III or Annex VI of the EASA Air Operations Regulation, or
  - (iii) is carried on the flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers or of the aircraft;
- (b) “EASA Air Operations Regulation” has the meaning given in paragraph 1 of Schedule 1 to the Air Navigation Order 2016.

**11.** Civil aviation inspectors, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944, where they are travelling from the United Kingdom when engaged on inspection duties.

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**12.—(1)** Any of the following who are travelling from the United Kingdom in the course of their work—

- (a) drivers and crews on shuttle services and on services for the carriage of passengers or goods by way of the tunnel system;
- (b) operational, rail maintenance, safety and security workers working on the tunnel system;
- (c) other workers carrying out essential roles for the safe or efficient operation of the tunnel system, shuttle services or services for the carriage of passengers or goods by way of the tunnel system, or relating to the security of the tunnel system or any such services.

(2) For the purposes of sub-paragraph (1)—

- (a) “shuttle service” has the meaning given in section 1(9) of the Channel Tunnel Act 1987;
- (b) “tunnel system” has the meaning given in section 1(7) of that Act.

**13.** A person designated by the relevant Minister under section 5(3) of the Repatriation of Prisoners Act 1984.

**14.** A person being removed from the United Kingdom pursuant to a warrant issued under section 1 of the Repatriation of Prisoners Act 1984.

**15.** A person responsible for escorting a person sought for extradition pursuant to a warrant issued under Part 3 of the Extradition Act 2003 or sought for extradition pursuant to any other extradition arrangements.

**16.** A representative of any territory who travelled to the United Kingdom in order to take into custody a person whose surrender has been ordered pursuant to any provision of the Extradition Act 2003.

**17.** A person who is being extradited or deported from the United Kingdom, and any person who is being removed from, or voluntarily departing from, the United Kingdom, because they do not have leave to enter or remain in the United Kingdom.

**18.—(1)** A specialist aerospace engineer, or a specialist aerospace worker, where they are travelling from the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

- (a) “specialist aerospace engineer” means a person who is employed or otherwise engaged to provide engineering services for the purpose of ensuring the continued operation of aviation activities (including but not limited to the provision of maintenance and repair services for production lines, aviation components, grounded aircraft and new aircraft);
- (b) “specialist aerospace worker” means a person who is employed or otherwise engaged to provide services for the purpose of ensuring safety management and quality assurance as required by relevant standards, guidance and publications on aviation safety produced by the Civil Aviation Authority or the European Union Aviation Safety Agency.]

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