EXPLANATORY MEMORANDUM TO

THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL AND OPERATOR LIABILITY) (ENGLAND) (AMENDMENT) (NO. 10) REGULATIONS 2021

2021 No. 1003

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for 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 elite sports exemption in paragraph 44 of Schedule 4 of the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 (S.I. 2021/582) ("the International Travel Regulations"). The amendments allow sportspersons who qualify for the exemption to participate, when not self-isolating, in elite sports events or specified competitions alongside non-elite sportspersons, as well as other exempt sportspersons.

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"), but considers that the highly focused amendments to the elite sports exemption are urgent for the public policy reasons described below.

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.

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 7.1 to 7.7 of the explanatory memorandum to the International Travel Regulations published on www.legislation.gov.uk.

7. Policy background

What is being done and why?

7.1 This amending instrument makes changes to paragraph 44 of Schedule 4 of the International Travel Regulations to allow sportspersons who are exempt from the duty to self-isolate by virtue of the elite sports exemptions to compete in or train for elite sports events or specified competitions alongside non-elite sportspersons, as well as other exempt sportspersons.

Explanations

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

7.2 Elite and ancillary sportspersons who were exempt from the duty to self-isolate by virtue of the elite sports exemptions in paragraph 44 of Schedule 4 of the International Travel Regulations were required to remain at all times, when not self-isolating, with other elite and ancillary sportspersons who were participating in an elite sports event or specified competition. The current framing of the exemption does not allow for amateur sportspersons to compete against elite international sportspersons, within an event bubble, even where the domestic sportsperson has not been abroad.

Why is it being changed?

7.3 The clauses in paragraph 44 of Schedule 4 were created in a different public health context as an underpinning to the elite sport bubble. In practice, the bubble is created through guidance and individual event plans (detailing COVID-19 protocols, mitigations and management of persons in the event), agreed with local public health teams. The exemption prevents non-elite sportspersons from attending a domestic competition against international counterparts who are exempt by virtue of the elite sports exemption. This would prevent some disability sport competition from taking place. This change allows for domestic non-elite disability sportspersons to compete at events in England against their international elite sportsperson counterparts. The urgency of this change is due to an upcoming international fixture taking place on 9th September with an elite international team and a non-elite domestic team which, if it could not take place, would have implications as to the British team's participation in the Deaf Olympics in 2022.

What will it now do?

7.4 Non-elite sportspersons who will be under the same public health protocols as their elite counterparts will be able to compete at a sports event against international counterparts who are exempt from the duty to self-isolate. This instrument does not increase the number of sportspersons exempt from the duty to self-isolate or extend the scope of the exemptions.

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 Guidance on coronavirus (COVID-19) measures for elite sport can be found at: https://www.gov.uk/government/publications/guidance-on-coronavirus-covid-19-measures-for-elite-sport/elite-sport-operations.

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 International Travel Regulations, which this instrument amends, will cease to have effect at the end of 16th May 2022, a Regulatory Impact Assessment would be disproportionate.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

14. Monitoring and 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 Sarah Hegarty at the Department of Health and Social Care. Sarah.Hegarty@dhsc.gov.uk can be contacted with any queries regarding the instrument.

15.2 Ronnie Haynes, Deputy Director for Managed Quarantine Services, at the Department of Health and Social Care can confirm that this explanatory memorandum meets the required standard.

15.3 Helen Whately MP, Minister of State for Social Care at the Department of Health and Social Care can confirm that this explanatory memorandum meets the required standard.