This Statutory Instrument has been made in part to correct errors in S.I. 2021/1003 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 1210

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 17) Regulations 2021

Made - - - - at 10.48 a.m. on 29th October 2021

Laid before Parliament at 1.45 p.m. on 29th October 2021

Coming into force in accordance with regulation 1(2) and (3)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45B 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. 17) Regulations 2021.

(2) Save as provided in paragraph (3), these Regulations come into force at 4.00 a.m. on 1st November 2021.

(3) Regulation 16(3) comes into force on 4.00 a.m. on 22nd November 2021.

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

(5) In these Regulations "the International Travel Regulations" means the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021(**b**).

Amendment of the International Travel Regulations

2. The International Travel Regulations are amended in accordance with regulations 3 to 16.

Amendment of regulation 2

3.—(1) Regulation 2 (interpretation and introduction of Schedules 1 to 4) is amended as follows.

(2) In paragraph (3)—

(a) in the words before sub-paragraph (a)—

(i) for "of part" substitute "or part";

(**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, 731, 766, 795, 865, 914, 923, 966, 974, 1003, 1033, 1066, 1107, 1130, 1155 and 1179.

(ii) omit "at all times whilst there";

(b) in sub-paragraph (a)—

(i) at the beginning, insert "at all times whilst there";

(ii) omit "aircraft or";

(c) in sub-paragraph (b)—

(i) at the beginning, insert "at all times whilst there";

(ii) after "train" insert "or aircraft";

(iii) omit the words from "and no" to "travelling";

(d) after sub-paragraph (b), insert—

"(ba) remains, at all times whilst waiting for a flight departing from the airport at which P disembarked from an aircraft, within that airport, and departs on a flight from that airport without first passing through immigration control.";

(e) omit sub-paragraph (c).

Amendment of regulation 3

4.—(1) Regulation 3 (requirement on passengers to provide information) is amended as follows.

(2) In paragraph (10)—

(a) in sub-paragraph (c)—

(i) for "to 10" substitute ", 6A, 8, 9 and 10";

(ii) omit "who meets the condition in paragraph 11 of that Schedule";

(b) after sub-paragraph (c) insert—

"(cza) a person described in paragraph 6 or 7 of Schedule 4 who has travelled to the United Kingdom on a vessel in the course of their work;

(czb) a person described in paragraph 12(2)(a) of Schedule 4;";

(c) after paragraph (ca)(**a**) insert—

"(cb) a person described in paragraph 13 of Schedule 4;";

(d) for the full-stop at the end of sub-paragraph (e) substitute a semi-colon;

(e) after sub-paragraph (e) insert—

"(f) a person described in paragraph 52 of Schedule 4.".

(3) In paragraph (11)(**b**), for sub-paragraph (a) substitute—

"(a) are a person described in any of sub-paragraphs (a) to (bza) of paragraph (10), other than a person described in paragraph 1(1), 1(2) or 1(2A) of Schedule 4; and".

Amendment of regulation 3A

5.—(1) Regulation 3A(**c**) (interpretation of Part 1B) is amended as follows.

(2) In paragraph (2)—

(a) in the definition of "authorised vaccine", in paragraph (c)—

(i) after "received in", in the first place it appears, insert "any other country or territory (including";

(ii) after "(4)" insert ")";

(b) in the definition of "United Kingdom vaccine roll-out overseas"—

(**a**) Sub-paragraph (ca) was inserted by S.I. 2021/1066.
(**b**) The reference to paragraph 12A of Schedule 4 was inserted by S.I. 2021/1066.
(**c**) Regulations 3A to 3K were inserted by S.I. 2021/1107.

(i) at the end of paragraph (a), insert "or";

(ii) omit paragraph (b) (including the "or" at the end);

(c) after the definition of "United Kingdom vaccine roll-out overseas", insert—

""vaccine certificate", in relation to a passenger ("P"), means a certificate in English, French or Spanish issued by the competent health authority of a relevant country, other than a European country listed in the table in paragraph (3) or the United States of America, which contains—

(a) P's full name;

(b) P's date of birth;

(c) the name and manufacturer of the vaccine that P received;

(d) the date that P received the dose of the vaccine or, as the case may be, each dose of the vaccine;

(e) details of the identity of the issuer of the certificate or the country of vaccination or both.".

(3) In paragraph (4)(**a**), in the appropriate places in the alphabetical order insert—

"Angola";

"Anguilla";

"Argentina";

"Armenia";

"Azerbaijan";

"Belize";

"Bermuda";

"Botswana";

"British Antarctic Territory";

"British Indian Ocean Territory";

"British Virgin Islands";

"Cambodia";

"Cayman Islands";

"Costa Rica";

"Djibouti";

"Eswatini";

"Falkland Islands";

"Gibraltar";

"Guernsey";

"Guyana";

"Honduras";

"Isle of Man";

"Jersey";

"Lebanon";

"Madagascar";

"Mauritius";

"Mongolia";

(**a**) Paragraph (4) was amended by S.I. 2021/1130.

"Montserrat";

"Nepal";

"Occupied Palestinian Territories";

"Panama";

"Pitcairn, Henderson, Ducie and Oeno Islands";

"Saint Helena, Ascension and Tristan da Cunha";

"South Georgia and the South Sandwich Islands";

"The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus";

"Turks and Caicos Islands".

Amendment of regulation 3C

6. In regulation 3C (eligible travellers: vaccine conditions)—

(a) in paragraph (1), omit sub-paragraph (b);

(b) omit paragraph (3).

Insertion of regulation 3EA

7. After regulation 3E insert—

"**Eligible travellers: Non-UK or US clinical trial conditions**

3EA.—(1) P meets the conditions of this regulation if P—

(a) has participated, or is participating in, phase 2 (therapeutic exploratory studies) or phase 3 (clinical efficacy and safety studies) of a clinical trial of a vaccine for vaccination against coronavirus which is regulated by—

(i) the European Medicines Agency, or

(ii) a regulatory authority (other than such an authority in the United Kingdom or the United States of America) which is designated as a Stringent Regulatory Authority by the World Health Organization(**a**),

(b) if required by an immigration officer or the operator of the relevant service on which P travels to England is able to provide proof of such participation through a participation document, and

(c) has declared on the Passenger Locator Form that P meets the COVID-19 vaccination eligibility criteria.

(2) For the purposes of this regulation "participation document" means a document in English, French or Spanish issued by a relevant person which confirms—

(a) P's full name;

(b) P's date of birth;

(c) the name and manufacturer of the vaccine;

(d) the country or territory in which the clinical trial is taking, or took, place;

(e) the regulatory authority responsible for the regulation of the clinical trial;

(f) the phase of the clinical trial in which P is participating or participated.

(3) For the purposes of paragraph (2) "relevant person" means—

(a) the competent health authority of the country or territory in which the relevant clinical trial is being, or was, carried out, or

(**a**) The current list national regulators designated as Stringent Regulatory Authorities is available here:https://www.who.int/initiatives/who-listed-authority-reg-authorities/SRAs.

(b) the person who is conducting, or conducted, the relevant clinical trial.".

Amendment of regulation 3F

8.—(1) Regulation 3F (eligible travellers: UK clinical exemption conditions) is amended as follows.

(2) The existing text becomes paragraph (1).

(3) In paragraph (1), in sub-paragraph (b), for "the NHS COVID pass" substitute "a relevant document".

(4) After paragraph (1) insert—

"(2) In this regulation "relevant document" means—

(a) a letter issued by the NHS in response to an NHS COVID pass medical exemptions application,

(b) a certification in paper or electronic form issued by NHS Scotland, or

(c) a maternity certificate.

(3) For the purposes of paragraph (2) "maternity certificate" means a maternity certificate which satisfies the requirements of—

(a) regulation 2(3) of the Social Security (Medical Evidence) Regulations 1976(**a**), or

(b) regulation 2 of the Statutory Maternity Pay (Medical Evidence) Regulations 1987(**b**).".

Amendment of regulation 3H

9.—(1) Regulation 3H (eligible travellers: UK vaccine rollout overseas conditions) is amended as follows.

(2) In paragraph (2), in sub-paragraph (b), omit "in the United Kingdom".

(3) After paragraph (2) insert—

"(3) Where P is a person described in paragraph (2)(b), the proof which P provides for the purposes of paragraph (1)(a)(ii) must include proof of having received the dose of an authorised vaccine through—

(a) the NHS COVID pass, or equivalent from NHS Scotland, NHS Wales or the Department of Health in Northern Ireland,

(b) the EU Digital COVID certificate,

(c) the Centers for Disease Control and Prevention vaccination card, or

(d) a vaccine certificate.".

Amendment of regulation 5

10. Regulation 5 (requirements relating to tests), in paragraph (3), after sub-paragraph (na)(**c**) insert—

"(nb) paragraph 43B (pork butchers);".

Amendment of regulation 9

11. Regulation 9 (further requirements on arrivals from category 2 countries and territories), in paragraph (15)(da)(**d**)—

(**a**) S.I. 1976/615; relevant amending instrument is S.I. 1987/409.
(**b**) S.I. 1987/235.
(**c**) Sub-paragraph (na) of regulation 5(3) was inserted by S.I. 2021/1066.
(**d**) Sub-paragraph (da) of regulation 9(15) was inserted by S.I. 2021/1066.

(a) in the words before paragraph (i)—

(i) omit "of Schedule 4";

(ii) after "workers)" insert "or 43B (pork butchers) of Schedule 4";

(b) in the words after paragraph (ii), after "43A" insert "or, as the case may be, 43B".

Amendment of Schedule 3

12.—(1) Schedule 3 (Category 3 countries and territories) is amended as follows.

(2) For the existing text substitute "There are no countries or territories specified in this Schedule.".

Amendment of Schedule 4

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

(2) In paragraph 11(1), in the words before sub-paragraph (a), for "regulations 3(10)(c) and" substitute "regulation".

(3) After paragraph 43A(**a**) insert—

"**43B.**—(1) A person who has an offer of employment to carry out specified pork processing activities at specified premises.

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

(a) "specified pork processing activities" means—

(i) slaughtering and butchering pigs;

(ii) preparing and processing pig meat;

(b) "specified premises" means the slaughterhouse, processing site or farm named in the offer of employment.".

(4) In paragraph 44 (elite sportspersons etc.), in sub-paragraph (4)—

(a) in paragraph (a)(iii), after "involved in that elite sports event" insert ", or other individuals essential to the support of a sportsperson participating in that elite sports event";

(b) in paragraph (b)(iii), after "involved in that elite sports event" insert ", or other individuals essential to the support of a sportsperson participating in that elite sports event";

(c) in paragraph (c)(iii), after "involved in that elite sports event" insert ", or other individuals essential to the support of a sportsperson participating in that elite sports event".

Amendment of Schedule 5

14. In Schedule 5 (list of sporting events), at the end insert—

"FIBA Europe Basketball Competitions".

Amendment of Schedule 11

15. In Schedule 11 (additional measures applicable to arrivals from category 3 countries and territories), in paragraph 4, omit sub-paragraph (fb)(**b**).

(**a**) Paragraph 43A was inserted by S.I. 2021/1066.
(**b**) Paragraph 4(fb) was inserted by S.I. 2021/966.

Amendment of Schedule 13

16.—(1) Schedule 13 (prohibition on the arrival of aircraft and vessels into England) is amended as follows.

(2) In paragraph 4, omit sub-paragraph (da) (Dominican Republic).

(3) In paragraph 7—

(a) in sub-paragraph (1)(b), after "territories" insert "at any time when category 3 arrivals are being processed in that terminal or part of a terminal";

(b) after sub-paragraph (1), insert—

"(1A) For the purposes of sub-paragraph (1)(b)—

(a) "category 3 arrival" means a passenger who arrives in England on a direct flight from a category 3 country or territory;

(b) a category 3 arrival is being processed in a terminal, or part of a terminal, during the period—

(i) beginning when the passenger ("P") arrives in that terminal, or that part of a terminal, and

(ii) ending when P exits the place within that terminal, or part of a terminal, where P is required, for the purposes of section 78 of the Customs and Excise Management Act 1979(**a**), to declare any thing contained in P's baggage or carried with P which P obtained outside the United Kingdom.".

Transitional provision and saving

17.—(1) In relation to any person who arrived in England on or after 4.00 a.m. on 17th May 2021 but before 4.00 a.m. on 1st November 2021, the International Travel Regulations apply as if the amendments made by regulations 3 to 15 and 16(1) and (2) of these Regulations had not been made.

(2) In relation to any person who arrived in England on or after 4.00 a.m. on 17th May 2021 but before 22nd November 2021, the International Travel Regulations apply as if the amendments made by regulation 16(3) of these Regulations had not been made.

Maggie Throup
Parliamentary Under Secretary of State,
Department of Health and Social Care

At 10.48 a.m. on 29th October 2021

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) ("the International Travel Regulations").

Regulation 3 amends regulation 2(3) of the International Travel Regulations to update the circumstances in which those arriving in a country or territory on an aircraft are not to be treated as having departed from, or transited through, that country or territory.

Regulation 4 amends regulation 3 of the International Travel Regulation to exempt the following persons from the requirement to complete a Passenger Locator Form when they have travelled to the United Kingdom in the course of their work (whether or not they have been in a red-list country prior to their arrival or they have travelled in a passenger carrying conveyance): bus and

(**a**) 1979 c. 2.

coach drivers, seafarers, port workers, maritime pilots, inspectors and surveyors of ships, air crew, hauliers, haulier outreach workers, international rail crew, and passengers transiting airside through England.

Part 1B of the International Travel Regulations is amended:

(a) to expand the definition of "authorised vaccine" by removing the requirement that it be administered in a relevant country (regulation 5);

(b) to require persons vaccinated against coronavirus in Guernsey, Jersey, the Isle of Man or any of the United Kingdom Overseas Territories, and their dependents, to satisfy the conditions in regulation 3C (vaccination conditions), rather than regulation 3H (UK vaccine rollout overseas conditions) (regulations 5 and 9);

(c) to expand the categories of "eligible traveller" to include individuals who are participating, or have participated, in phase 2 or 3 of certain clinical trials taking place otherwise than in the United Kingdom or the United States of America (regulation 7);

(d) to change the evidence that a person must provide to demonstrate that there are clinical reasons why they should not be vaccinated against coronavirus (regulation 8).

Regulation 12 amends Schedule 3 (Category 3 countries and territories) to the International Travel Regulations so that there are no countries or territories listed in category 3.

Regulation 13 amends Schedule 4 (exemptions) to the International Travel Regulations. It introduces a new exemption from testing and self-isolation requirements for pork butchers. Regulations 10 and 11 make amendments in consequence of this change. Regulation 13 also corrects errors made by the Health Protection (Coronavirus, International Travel and Operator Liability) (England) (Amendment) (No. 10) Regulations 2021.

Regulation 14 adds the FIBA European Basketball Competitions to the list of sporting events in Schedule 5 to the International Travel Regulations.

Regulation 15 amends Schedule 11 (additional measures applicable to arrivals from category 3 countries and territories) to the International Travel Regulations to remove Newcastle International Airport from the list of ports at which passengers from red-list countries may arrive.

Regulation 16 amends Schedule 13 (category 3 countries or territories: airport operators to ensure passengers used designated terminals) to the International Travel Regulations. It removes the entry for the Dominican Republic from paragraph 4 of that Schedule. In addition, paragraph 7 of that Schedule is amended to enable airport operators to use designated terminals, or designated parts of terminals, for the arrival of passengers from countries or territories which are not red-list countries or territories, at times when there are no passengers from red-list countries passing through those terminals.

These Regulations also make various other minor consequential amendments to the International Travel Regulations.

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

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£6.90

ISBN 978-0-34-822860-1

http://www.legislation.gov.uk/id/uksi/2021/1210

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