EXPLANATORY MEMORANDUM TO

THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL) (ENGLAND) (AMENDMENT) (NO. 15) REGULATIONS 2021

2021 No. 571

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport 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) (England) Regulations 2020 (S.I. 2020/568) ("International Travel Regulations") to add the Maldives, Turkey and Nepal to the list of countries and territories subject to additional measures (such as managed quarantine for arrivals) and ban direct flights from the Maldives and Turkey and direct sea journeys from Turkey.

2.2 This measure is part of a package of measures designed to reduce the public health risks posed by the spread from international travellers of acute severe respiratory syndrome coronavirus 2 ("SARSCoV-2") which causes the disease COVID-19, in particular with respect to the possibility of variants of concern or high-risk variant under investigation being imported to the UK.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The Department 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. Having reviewed the latest assessment of public health risk, the Government is acting promptly to protect public health and to prevent the ingress from overseas of variants of concern and high-risk variants under investigation.

3.2 Delaying the implementation of adding the Maldives, Turkey and Nepal to the list of countries subject to additional measures could allow importation of variants of concern or high-risk variants under investigation. The Government considers it necessary to act with urgency and to bring the instrument into force at 04.00 on 12th May 2021, before it is laid before Parliament. The instrument will be published on legislation.gov.uk before coming into force and laid on 12th May 2021.

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)

3.3 As this 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 this instrument is subject to 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. Further information on Part 2A is provided in paragraphs 6.1 to 6.5 of the explanatory memorandum to the International Travel Regulations: https://www.legislation.gov.uk/uksi/2020/568/pdfs/uksiem_20200568_en.pdf.

6.2 The International Travel Regulations came into force on 8th June 2020 and required people arriving into England from (i) outside the common travel area or (ii) elsewhere in the common travel area where they had been outside the common travel area in the previous 14 days to (a) self-isolate and (b) provide their personal details and travel information. The 14 day period (for the purposes of both self-isolation and providing information) was shortened to 10 days by S.I. 2020/1517 following advice from the Chief Medical Officer

6.3 A full list of amending instruments is included in this instrument (in the footnote, in regulation 1, for the International Travel Regulations) and the history of further significant amendments is outlined in paragraphs 6.5 to 6.11 of the explanatory memorandum to S.I. 2021/498: https://www.legislation.gov.uk/uksi/2021/498/pdfs/uksiem_20210498_en.pdf. Of particular relevance to this instrument, S.I. 2020/1644 introduced the list – in Schedule B1 – of countries and territories from which travel is assessed as posing a higher risk to public health (commonly known as the 'red list') and S.I. 2021/150 introduced managed self-isolation for travellers who have been in such countries or territories in the 10 days prior to their arrival in England.

7. Policy background

What is being done and why?

7.1 The identification of new variants of SARS-CoV-2 and the possibility of a variant of concern or variant under investigation arising with higher transmission rates or the potential to affect vaccine efficacy could have significant adverse effects on the UK's public health. In response to this threat, the Government mandated a new managed quarantine service – managed self-isolation - which set out new requirements for people who had travelled from a country subject to additional measures or been in one in the 10 days prior to arrival in England to self-isolate in designated accommodation for 10 days (subject to specified exemptions). The countries (the Maldives, Nepal and Turkey) that are being added to the list of countries subject to additional measures are judged to pose a high risk to the UK from importation of variants of concern and high-

risk variants under investigation. Requiring self-isolation in designated accommodation will help prevent community transmission and result in important public health benefits.

7.2 This instrument supports the implementation of this system by adding the Maldives, Turkey and Nepal to the list of countries and territories subject to additional measures in Schedule B1 to the International Travel Regulations. Direct flights from the Maldives and Turkey and sea journeys directly from Turkey are also banned through amendments to Schedule B2. (Exemptions are included for services not carrying passengers, air ambulances or vehicles that must land/moor for safety reasons.) It does not include a ban on direct flights from Nepal due to the lack of direct flights. It also does not include a ban on direct sea journeys from the Maldives or Nepal as journey times are over 10 days.

7.3 This instrument makes no changes to countries currently included in the direct flight pilot, whereby certain countries in Schedule B1 were not added to the list of countries where the arrival of aircraft and vessels is prohibited at Schedule B2 - therefore allowing direct flights to continue. The pilot is aimed at helping the Government understand the impact of direct flight bans on passenger volumes so as to assess their value as a public health measure, and its outcomes will inform our future approach to safely reopening international travel.

7.4 Drivers of goods vehicles who have been in or transited through Turkey in the previous 10 days will not be required to enter into MQS provided they have not departed from or transited through another country on the red list in the same period. Instead the existing self-isolation requirements for hauliers to remain in their cabs or isolate in a hotel and bespoke testing arrangements will remain in place. This exemption is to ensure the continued supply of freight to and from England.

8. European Union (Withdrawal) Act 2018/ Withdrawal of the United Kingdom from the European Union

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.

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 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 International Travel Regulations, which this instrument amends, will cease to have

effect at the end of 7 June 2021 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 A statutory review clause is included in the International Travel Regulations. The Secretary of State must review the need for the requirements imposed by the Regulations, which this instrument amends, at least every 28 days.

15. Contact

15.1 Claire Rackley at the Department for Transport email: claire.rackley@dft.gov.uk can be contacted with any queries regarding the instrument.

15.2 Lola Fadina, Deputy Director at the Department for Transport email: lola.fadina@dft.gov.uk can confirm that this explanatory memorandum meets the required standard.

15.3 Robert Courts MP, Aviation and Maritime Minister at the Department for Transport can confirm that this explanatory memorandum meets the required standard.