STATUTORY INSTRUMENTS

2020 No. 1424

PUBLIC HEALTH, ENGLAND

TRANSPORT

The Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 28) Regulations 2020

Made - - - -	*3rd December 2020*
Laid before Parliament	*4th December 2020*
Coming into force - -	*at 4.00 a.m. on 5th December 2020*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45B, 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984(**a**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, International Travel) (England) (Amendment) (No. 28) Regulations 2020 and come into force at 4.00 a.m. on 5th December 2020.

(2) In these Regulations, "the International Travel Regulations" means the Health Protection (Coronavirus, International Travel) (England) Regulations 2020(**b**).

Amendment of the International Travel Regulations

2.—(1) The International Travel Regulations are amended as follows.

(2) In regulation 4(13)—

(a) in sub-paragraph (ca)(i)—

(i) after "where P is" insert "a new domestic elite sportsperson,";

(ii) after "conditions specified in paragraph 39(4)" insert "(za),";

(b) after sub-paragraph (ce) insert—

"(cf) in paragraph 43 of Schedule 2, paragraph (2) does not—

(i) prevent P from travelling between the place where P is self-isolating and any place where P's presence is required for the purposes of work as a journalist, or

(ii) require P to remain in isolation from any other person with whom P reasonably needs to meet in person for the purposes of work as a journalist,

(**a**) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

(**b**) S.I. 2020/568, amended by S.I. 2020/691, 724, 799, 805, 813, 819, 841, 866, 890, 913, 959, 980, 1013, 1039, 1070, 1076, 1094, 1129, 1161, 1190, 1227, 1238, 1277, 1292, 1323 and 1360.

(cg) in paragraph 44(1) of Schedule 2, paragraph (2) does not require P to remain in isolation in the circumstances set out in paragraph 44(2) of that Schedule,".

(3) In Schedule 2—

(a) in paragraph 39—

(i) in sub-paragraph (1) after "A domestic elite sportsperson," insert "a new domestic elite sportsperson,";

(ii) in sub-paragraph (2) after the definition of "multinational ancillary sportsperson" insert—

""new domestic elite sportsperson" means an individual who—

(a) derives a living from competing in elite sports events,

(b) is in England, after departing from or transiting through a non-exempt country or territory, and

(c) has travelled to England and has entered into a contract with a business in England to compete in elite sports events, to participate in training for and to compete in elite sports events on behalf of that business;";

(iii) in sub-paragraph (4), before sub-paragraph (a), insert—

"(za) where P is a new domestic elite sportsperson—

(i) P provides, on arrival in England, written evidence from a United Kingdom or English sport national governing body of P's status as a new domestic elite sportsperson,

(ii) P travels directly to, and remains in any place where P is self-isolating, apart from when P is travelling to or from, or attending the location of an elite sports event or training for an elite sports event, or travelling between different locations where an elite sports event or training for an elite sports event is taking place, and

(iii) at all times when P is not self-isolating P remains in isolation with any other new domestic elite sportspersons, domestic elite sportspersons or international elite sportspersons who are competing in or training for an elite sports event or with international ancillary sportspersons or domestic ancillary sportspersons involved in an elite sports event,",

(b) after paragraph 40 insert—

"**40A.**—(1) A person engaged in television production.

(2) For the purposes of sub-paragraph (1) a person is engaged in television production if that person is employed, or contracted, to make a television programme (other than a television programme which is a British programme for the purposes of Part 15A of the Corporation Tax Act 2009) as—

(a) an actor,

(b) a presenter or other significant on-screen participant,

(c) a director,

(d) a producer,

(e) a lighting director,

(f) a director of photography,

(g) a creative director,

(h) other key members of the production crew at director level responsible for managing key aspects of the production, or

(i) a senior executive responsible for overseeing the production company's operations in relation to the production.";

(c) after paragraph 42 insert—

"**43.**—(1) A journalist where they have travelled from or to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

(a) "journalist" means a person who holds a valid UK Press Card or International Press Card,

(b) "UK Press Card" means a press card issued by an organisation (known as a gatekeeper) under the scheme managed by the UK Press Card Authority,

(c) "International Press Card" means a press card issued by a national organisation under the scheme managed by the International Federation of Journalists.

44.—(1) A senior executive.

(2) The circumstances referred to in regulation 4(13)(cg) are—

(a) the senior executive is a returning UK undertaking executive, a multinational undertaking executive or an international undertaking executive and is undertaking activity within the period during which they would, but for this paragraph, have had to self-isolate in accordance with regulation 4 and—

(i) if a returning UK undertaking executive, that executive has a reasonable belief that the activity will more likely than not lead to the creation or continuation of employment for 50 employees or more in the United Kingdom-based undertaking on behalf of which the executive undertook overseas activities,

(ii) if a multinational undertaking executive, that executive has a reasonable belief that the activity will more likely than not lead to the creation or continuation of employment for 50 employees or more in the United Kingdom-based branch or subsidiary of that overseas-based undertaking which that executive is visiting,

(iii) if an international undertaking executive, that executive has a reasonable belief that the activity will deliver significant economic benefit to the United Kingdom,

(b) that activity requires the senior executive's travel to and physical presence at a particular location and cannot reasonably be undertaken remotely.

(3) For the purposes of this paragraph, it is reasonable to believe that an activity will deliver significant economic benefit to the United Kingdom if it is more likely than not to lead to—

(a) the placing of a contract for the purchase of goods or services from a United Kingdom-based undertaking—

(i) with a value of no less than £100 million, or

(ii) which will more likely than not lead to the creation or continuation of employment of 50 employees or more in that undertaking,

(b) an investment in a United Kingdom-based undertaking which will more likely than not lead to the creation or continuation of employment of 50 employees or more in that United Kingdom-based undertaking, or

(c) establishment of a new business in the United Kingdom which will more likely than not, within the period of 12 months beginning with the date on which the international undertaking executive arrived in the United Kingdom, lead to the creation of employment for 50 employees or more in that new business.

(4) In this paragraph—

"branch" means a place of business that forms a legally dependent part of an undertaking and conducts directly some or all of the operations of that undertaking;

"international undertaking executive" means a senior executive of an overseas-based undertaking who is not a returning UK undertaking executive or a multinational

undertaking executive and who has travelled to the United Kingdom for business or investment purposes;

"multinational undertaking executive" means a senior executive of an overseas-based undertaking who has travelled to the United Kingdom to visit a United Kingdom-based branch or subsidiary of that overseas-based undertaking which has 50 employees or more;

"returning UK undertaking executive" means a senior executive of a United Kingdom-based undertaking who has returned to the United Kingdom after undertaking overseas activities solely for the purpose of ongoing business operations that are necessary for that undertaking;

"senior executive" means a director or, in relation to an undertaking which has no board of directors, a member of the equivalent management body responsible for the management of the undertaking concerned;

"undertaking" means—

(a) a body corporate or partnership, including a body corporate or partnership constituted under the law of a country or territory outside the United Kingdom,

(b) an unincorporated association carrying on a trade or business,

and whether an undertaking is a subsidiary of another undertaking is to be determined in accordance with section 1162 of the Companies Act 2006(**a**);

"United Kingdom-based undertaking" means—

(a) an undertaking whose principal place of business is in the United Kingdom and which has 50 employees or more, or

(b) a United Kingdom branch of an overseas-based undertaking which has 50 employees or more in the United Kingdom.

45.—(1) A performing arts professional working in connection with a performing arts event.

(2) For the purposes of this paragraph—

(a) "domestic performing arts professional" means a performing arts professional who is habitually resident in the United Kingdom and has returned to England, having travelled to or transited through a non-exempt country or territory in order to work in connection with a performing arts event,

(b) "international performing arts professional" means a performing arts professional who is not habitually resident in the United Kingdom and travels to England in order to work in connection with a performing arts event after departing from or transiting through a non-exempt country or territory at any time in the period beginning with the 14th day before the date of their arrival in England,

(c) "performing arts activity" means—

(i) a dramatic production, including a performance of a play, opera, musical or other dramatic piece,

(ii) a reading or recitation,

(iii) a performance of live music,

(iv) a recording of a performance of live music which is—

(a) broadcast, at the time of the performance or later, to the general public, or

(b) released, at the time of the performance or later, to the paying public (by digital or other means),

(v) a music video production,

(**a**) 2006 c. 46.

(vi) a performance of dance, or

(vii) an event that combines more than one of the activities set out at sub-paragraphs (i) to (vi);

(d) "performing arts event" means an event—

(i) at which a performing arts activity takes place, and

(ii) for which the performing arts professional is paid;

(e) "performing arts professional" means an individual who—

(i) is a domestic performing arts professional or an international performing arts professional,

(ii) derives a living from the performing arts, and

(iii) holds a certificate issued by Arts Council England in accordance with 'Travelling or returning to England for work as a performing arts professional during COVID-19: Self-isolation Exemptions Guidance' published by Arts Council England on 4th December 2020(**a**).".

Grant Shapps
Secretary of State
Department for Transport

3rd December 2020

(**a**) A digital copy of this guidance can be found at https://www.artscouncil.org.uk/covid-19/self-isolation-exemptions. A hard copy is available at the following address: Exemptions (Investment Centre), Arts Council England, The Hive, 49 Lever Street, Manchester, M1 1FN.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (S.I. 2020/568) ("the International Travel Regulations") to add some additional sectoral exemptions.

An amendment has been made to the elite sportspersons exemption to allow for new signings to use the exemption.

The new exemptions are for certain workers engaged in television production, properly accredited journalists, senior executives in business and performing arts professionals.

Passengers are not required to self-isolate on arrival in England if, during the 14 days preceding their arrival, they have only been in or transited through exempt countries or territories, or exempt parts of countries or territories.

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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