

EXPLANATORY MEMORANDUM TO

THE HEALTH PROTECTION (CORONAVIRUS, INTERNATIONAL TRAVEL AND OPERATOR LIABILITY) (ENGLAND) REGULATIONS 2021

2021 No. 582

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 sets out requirements for persons arriving in England from outside of the common travel area (directly or indirectly) and imposes related obligations on the operators of commercial transport services bringing such passengers to England directly.
- 2.2 The measures in this instrument are designed to reduce the public health risks posed by the spread of COVID-19, in particular with respect to the possibility of a variant 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. This instrument, which primarily consolidates the existing legislation governing international travel, will come into force on 17th May 2021 to introduce less onerous requirements for arrivals from countries and territories on the new green list (referred to in the instrument as “category 1”) - those countries and territories from which travel to England is assessed as posing a lower risk to public health. The stricter requirements for arrivals from other countries and territories are no longer necessary and proportionate for green list arrivals and are being revised accordingly.

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)

- 3.2 As the 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.

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 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 and preventing the spread of infection or contamination by means of any vessel, aircraft, train or other conveyance leaving any place. Section 45P(2) provides that the power to make regulations includes the power to make different provision for different cases or areas. Section 45F makes supplementary provision relating to regulations made under section 45B - they may include provisions relating to the conferral of functions, creation of offences, the execution and enforcement of restrictions and requirements imposed by the regulations and the levy of charges.
- 6.2 The Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (“the 2020 Regulations”) came into force on 8th June 2020 and required people arriving in 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 was later shortened to 10 days following advice from the Chief Medical Officer.
- 6.3 The 2020 Regulations were amended more than 50 times and (approximately) tripled in length between June 2020 and May 2021. Significant changes included:
- the introduction (and later suspension) of travel corridors – countries and territories from which arrivals did not have to self-isolate upon arrival in England;
 - requiring people arriving in England from outside the common travel area to possess notification of a negative coronavirus test result (known as ‘Pre-Departure Testing’);
 - introducing enhanced measures, including requiring arrival at specified ports and self-isolation in managed accommodation, for arrivals from countries and territories assessed as posing (or potentially posing) an acute risk to public health (known as ‘red list’ countries and territories);
 - allowing a person arriving from a country or territory (other than one on the red list) to leave self-isolation upon receipt of a negative test result;
 - prohibiting the arrival of vehicles in England directly from certain red list countries and territories;
 - introducing requirements for tests to be taken after arrival in England, with separate regimes for the general public and specific workforces; and
 - introducing a small number of exemptions from various requirements for individuals whose jobs are critical to maintaining the flow of critical goods, protecting essential services or facilitating Government work.

- 6.4 The 2020 Regulations were complemented by the Health Protection (Coronavirus, Public Health Information for International Passengers) (England) Regulations 2020 and the Health Protection (Coronavirus, Pre-Departure Testing and Operator Liability) (England) (Amendment) Regulations 2021, which collectively required the operators of commercial transport services to ensure that passengers had complied with applicable requirements before arriving in England and were provided with public health information before and during travel.
- 6.5 This instrument consolidates the measures described above and introduces the green list for countries and territories from which travel to England is assessed as posing a lower risk to public health. The green, amber and red lists are referred to as categories 1, 2 and 3 (respectively) in the instrument. The measures applicable to amber/category 2 arrivals are the same as the measures applicable to arrivals from all countries and territories (other than those on the red list) under the 2020 Regulations; the measures applicable to red/category 3 arrivals remain unchanged.

7. Policy background

What is being done and why?

Why are measures needed?

- 7.1 COVID-19 is a highly-transmittable virus. Public Health England /Cambridge's April 2021 nowcast report estimates the Infection Fatality Ratio (IFR) for COVID-19 to be at around 0.5% across all ages. This is a reduction from their end of January 2021 estimate of around 1.7%. Factors such as vaccine rollout, the ingress of new variants and amount of pressure on hospitals mean IFR is not constant and is subject to change.
- 7.2 In response to the serious and imminent threat to public health posed by COVID-19, the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 ("the 2020 Regulations") introduced a series of border health measures to reduce the public health risks posed by the spread of COVID-19, in particular with respect to the possibility of a variant of concern being imported to the UK.
- 7.3 All viruses regularly mutate as they replicate to create new variants. Most mutations have no effect and are not a cause for any concern. However, some pose an increased risk to public health due to changes in transmissibility, infection severity, ability to evade immune responses, or the virus's susceptibility to therapeutic treatments. New variants of COVID-19 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.
- 7.4 The health risk posed by arrivals from different countries varies considerably and is likely to change over time as infection rates fluctuate, variants of concern are identified, and vaccine programmes are rolled out.
- 7.5 As the UK moves to a situation where local incidence and prevalence is much lower relative to international incidence and prevalence, imported cases could become a higher proportion of the overall number of infections, and so preventing imported cases and preventing onward transmission from these cases will likely reduce incidence and prevalence. Test and Trace make regular calls, and in-person checks are carried out to a number of international arrivals to increase compliance.

- 7.6 Almost all the measures included in this instrument are already in force through the 2020 Regulations, the Health Protection (Coronavirus, Public Health Information for International Passengers) Regulations 2020 and the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (England) (Amendment) Regulations 2021, which are revoked and replaced by this instrument. Further information on the history of this legislation is provided in section 6 above.
- 7.7 In April 2021, the Global Travel Taskforce published a report on “The Safe Return of International Travel” (<https://www.gov.uk/government/publications/global-travel-taskforce-safe-return-of-international-travel>) which set out a framework for a safe and sustainable return to non-essential international travel when the time was right.
- 7.8 The report recommended developing a “traffic light” country system, to which different restrictions are applied, depending on risk. This risk is based on factors such as the level of community transmission of variants of concern or variant under investigation, levels of testing, genomic sequencing and reporting. This will allow the UK government the flexibility to adapt to the evolving health situation around the world whilst keeping borders open.
- 7.9 Accordingly, this instrument gives legal effect to the “traffic light” country system. Countries deemed lower-risk have been added to Schedule 1 to the Regulations - category 1. These countries will be referred to as “green-list countries” in public guidance and communications.
- 7.10 Countries deemed moderate-risk have been added to Schedule 2 to the Regulations - category 2 and will be referred to as “amber-list countries” in public guidance and communications. These are any country or territory outside the common travel area not listed in Schedule 1 or Schedule 3.
- 7.11 Countries deemed high-risk have been added to Schedule 3 to the Regulations - category 3 and will be referred to publicly as “red-list countries”.
- 7.12 The allocation of countries will be kept under review and adapted based on emerging evidence, with a particular focus on variants of concern or high-risk variant under investigation.
- 7.13 Passengers must follow the applicable requirements for the highest risk country or territory that they have been in or passed through in the previous 10 days. This includes transit stops.
- 7.14 To ensure compliance with the measures in this instrument, fixed penalty notices may be issued to anyone aged 18 or over where there are reasonable grounds to believe they have committed an offence (for example by not complying with self-isolation requirements). Obligations are also imposed on operators to ensure that non-compliant passengers are not brought to England (described below). If enforcement action is contested, any subsequent prosecution would be dealt with in the magistrates’ court. The offences created by these Regulations are non-imprisonable.

Requirements for passengers

Summary of requirements for passengers arriving from green, amber or red-list countries

- 7.15 Passengers arriving from green-list countries are required to provide information about themselves, their journey and accommodation on the Passenger Locator Form, possess notification of a negative COVID-19 test result upon arrival in England and, on arrival in England, be in possession of a booked COVID-19 test to be taken on or

before the second day of their stay in England (unless they intend to leave England before the end of that day).

- 7.16 Passengers arriving from amber-list countries are required to provide information about themselves, their journey and accommodation on the Passenger Locator Form, possess notification of a negative COVID-19 test result upon arrival in England and remain in self-isolation in accommodation as specified in regulation 9 for 10 days from their day of arrival in England. Passengers from amber countries are also required to be in possession of a testing package on their arrival in England, to be taken on or before day 2 *and* on or after day 8 of their stay in England (if remaining in England beyond when those tests are required to take place). Passengers from amber countries may choose to undertake an optional COVID-19 test on day 5 of their stay in England for the purposes of determining whether they may end the required 10 day self-isolation early upon receipt of a negative result. Such passengers are still required to take the mandatory day 8 test and will need to resume self-isolation if that test yields a positive result.
- 7.17 Passengers arriving from red-list countries are required to provide information about themselves, their journey and accommodation on the Passenger Locator Form, possess notification of a negative COVID-19 test result upon arrival in England, enter England via a designated port and enter into managed quarantine in designated accommodation for 10 days. Arrivals from red countries are also required to be in possession of a testing package on their arrival in England, to be taken on or before day 2 *and* on or after day 8 of their stay in England (if remaining in England beyond when those tests are required to take place). Passengers from red countries are not eligible for early release from self-isolation.
- 7.18 Passengers transiting through an amber or red-list country or territory by road are regarded as having entered an amber or red-list country and will therefore be subject to the above requirements for amber or red-list countries.
- 7.19 Passengers travelling to England by train, departing from a green-list country, which makes a scheduled stop in an amber or red-list country are not regarded as entering the amber or red-list country if there is no change of passengers in the carriage in which the person is travelling in. Similar rules apply to passengers travelling by air and sea – see regulation 2(3).
- 7.20 The Regulations also provide for a small number of exemptions from various requirements for individuals whose jobs are critical to maintaining the flow of critical goods, protecting essential services or facilitating Government work. A full list of exemptions is available online at: <https://www.gov.uk/government/publications/coronavirus-covid-19-travellers-exempt-from-uk-border-rules/coronavirus-covid-19-travellers-exempt-from-uk-border-rules>. This instrument reproduces the exemptions in the 2020 Regulations and expands the list of sporting events in Schedule 5, which exempts elite sportspersons from certain requirements. It also introduces an exemption for elite sportspersons competing in a small number of specified events who have departed from or transited through a red-list country. While exempt from managed self-isolation, such persons must still comply with the normal self-isolation rules when not competing, etc.
- 7.21 Further detail on specific requirements are set out below.

Requirement to provide information (regulation 3)

- 7.22 The information collected in the Passenger Locator Form is used to reduce the transmission of COVID-19 by facilitating contact tracing and enabling the self-isolation requirement to be enforced.
- 7.23 Persons who arrive in England from outside the common travel area, irrespective of whether they have arrived from a red, amber or green country, are required to provide information about themselves, their journey and accommodation on their arrival using the Passenger Locator Form.
- 7.24 Passengers are required to record the countries and territories they have transited through on their Passenger Locator Form.
- 7.25 A person who is travelling with a child for whom they have responsibility must ensure that passenger information is provided in relation to that child on the Passenger Locator Form.
- 7.26 The exemptions from the requirement to provide passenger information are limited and set out in regulation 3(10).
- 7.27 A high completion rate of the Passenger Locator Form is required in order to protect public health. Failure, without reasonable excuse, to comply with the requirement to provide information is a criminal offence, punishable on summary conviction by a fine. There is a fixed penalty regime in place under which a person may be issued with a £500 fixed penalty for the first offence, with penalties doubling for subsequent offences, up to a maximum of £4,000 for the fourth and any subsequent offences.
- 7.28 This measure applies to any arrival from a green, amber or red country or territory unless specifically exempt.

Possession of negative test result (regulation 4)

- 7.29 Pre-departure testing reduces the number of people travelling to and entering England while they are infectious, thereby reducing danger to public health from international arrivals.
- 7.30 Pre-departure testing can also reduce the risk of transmission to other travellers in transit, meaning the measures will have an impact on the spread of COVID-19 during England-bound travel.
- 7.31 People travelling to England from outside the common travel area are required to possess notification of a negative COVID-19 test result upon arrival in England, or, if travelling on a shuttle service through the Channel Tunnel, upon presenting at UK immigration control at the Channel Tunnel shuttle terminal area in France.
- 7.32 A person who is travelling with a child aged 11 or over, for whom they have responsibility for, must possess notification of a negative result for that child.
- 7.33 The exemptions from the requirement to possess notification of a negative COVID-19 test are limited and apply where requiring a pre-departure test would severely impact crucial travel, either because individuals travel with such frequency that pre-departure testing would be impractical (e.g. transport crew) or where the need for travel could arise urgently (e.g. workers with specialist skills required for emergency works).
- 7.34 Regulation 19(3) sets out a non-exhaustive list of reasonable excuses, catering for situations where it would not be reasonable to expect an individual to possess a notification of a negative test result.

- 7.35 Failure, without reasonable excuse, to comply with that requirement is a criminal offence, punishable on summary conviction by a fine. There is a fixed penalty regime in place under which a person may be issued with a £500 fixed penalty for the first offence, with penalties doubling for subsequent offences, up to a maximum of £4,000 for the fourth and any subsequent offences.
- 7.36 This measure applies to any arrival from a green, amber or red country or territory unless specifically exempt.

Requirement to book and undertake tests (regulations 5(1) and 6)

- 7.37 Arrivals from amber-list or red-list countries who intend to remain in England for 8 days or more are required to possess a booking for a day 2 test and a day 8 test upon arrival and provide evidence of such, if requested by an immigration officer or constable. Persons who intend to leave England either on or before the 7th day of their arrival are required to possess a booking for a day 2 test. If such a person in fact stays for 8 days or more, they are required to undertake a day 8 test. Green-list arrivals are only required to possess a booking for a day 2 test on arrival (if they intend to remain in England beyond the end of that day).
- 7.38 If a day 2 test generates a positive result, the person who has tested positive will need to self-isolate or remain in quarantine for 10 days after the day on which they took the test. They will not be required to undertake a day 8 test.
- 7.39 Further provision on test requirements and the consequences of testing is set out in Schedule 8.
- 7.40 Regulation 19(4) sets out a non-exhaustive list of reasonable excuses for failure to book and undertake tests. Under such circumstances, persons must take a replacement test as soon as practicable after the matters giving rise to the reasonable excuse no longer pertain.
- 7.41 Penalties for non-compliance with regulation 6, requirement to book and undertake tests, start at £1,000.

Requirement to undertake workforce tests (regulations 5(3) and 7)

- 7.42 Workforce testing helps to identify workers entering England who have COVID-19 so they can self-isolate and reduce the risk of onward transmission.
- 7.43 Categories of workers specified in regulation 5(3) are required to undertake a workforce test for day 2, day 5 and day 8. Workers who enter England daily – or at least every other day – are required to undertake recurring tests (every 3 days). If a worker has arrived from a green-list country or territory (and has not departed from or transited through a non-green country or territory in the previous 10 days), they are only required to undertake a day 2 test (unless they are also a recurring worker).
- 7.44 Regulation 19(5) sets out a non-exhaustive list of reasonable excuses for failure to undertake workforce tests. Under such circumstances, persons must take a replacement test as soon as practicable after the matters giving rise to the reasonable excuse no longer pertain.
- 7.45 Further provision on workforce test requirements and the consequences of testing is set out in Schedule 9 of this instrument.

Test requirements for offshore installation workers (regulations 5(5) and 8)

- 7.46 Offshore installation workers are required to undertake a day 2 test after arriving in England but before departing to the offshore installation.
- 7.47 Offshore installation workers must subsequently undertake a workforce test three days after arriving on the offshore installation and every three days thereafter.

Requirements relating to self-isolation (regulation 9)

- 7.48 Self-isolation reduces the social contact of any passengers who import cases of COVID-19, and therefore reduces onward transmission contributing to the domestic incidence of coronavirus.
- 7.49 Arrivals in England must self-isolate if they have travelled from (a) an amber (category 2) country or territory or (b) from a green (category 1) country or territory **and**, within the 10 days preceding their arrival, they have departed from or transited through an amber (category 2) country or territory. They must remain in self-isolation until 10 days have elapsed since the day after they left an amber country or territory. Additionally, the limited number of red-list arrivals who are exempt from managed self-isolation must comply with the normal self-isolation rules.
- 7.50 A person may not leave, or be outside of, the place where they are self-isolating except for reasons set out in regulation 9(11).
- 7.51 The exemptions from the requirement to self-isolate are limited and set out in regulation 9(15) and Schedule 4.
- 7.52 This instrument provides powers, in regulation 11, to enforce the requirement for passengers to self-isolate. This includes powers for authorised persons to direct persons to return to the place where they are self-isolating and for constables to remove persons to the place where they are self-isolating or accommodation facilitated by the Secretary of State.

Managed self-isolation (regulation 10 and Schedule 11)

- 7.53 The identification of new variants of COVID-19 and the possibility of a variant of concern 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).
- 7.54 A person who arrives in England from a country or territory listed in Schedule 3 (category 3 countries or territories – commonly known as the red list), or has in the 10 days before their arrival in England departed from or transited through a country or territory listed in that Schedule, must be in possession of a “managed self-isolation package” upon arrival.
- 7.55 A managed self-isolation package is a booking for a place in accommodation designated by the Secretary of State. Arrivals from category 3 / red list countries or territories must enter England at a designated port and travel directly to the booked accommodation using the approved transport.

- 7.56 The exemptions from the requirement to enter into managed self-isolation are limited and set out in paragraph 2 of Schedule 11. Further detail can be found at: <https://www.gov.uk/guidance/booking-and-staying-in-a-quarantine-hotel-when-you-arrive-in-england#people-who-do-not-need-to-quarantine>. The list of exemptions is kept under regular review. In certain limited circumstances individuals can apply for a modification from the duty to quarantine, rather than hotel quarantine they may be granted permission quarantine at home.
- 7.57 Regulations 11 and 12 provide enforcement powers. A person suspected of contravening the requirement to enter or remain in managed quarantine may be required to produce travel documents, detained, searched and directed to wait for – and board – transportation to managed quarantine. The police may also enter premises to search for such persons or remove them to appropriate accommodation.
- 7.58 Failure, without reasonable excuse, to comply with these requirement is a criminal offence, punishable on summary conviction by a fine. Penalties for non-compliance are up to £10,000.

Requirements for tests and test providers (Schedule 8)

- 7.59 Paragraphs 6 – 11 of Schedule 8 set out requirements, including notification of test results, for day 2 and day 8 tests for both public and private test providers.
- 7.60 If a private provider does not comply with these requirements, their testing services will not be appropriate/qualifying tests for the purposes of these Regulations.

Requirements for transport operators

Ensuring passenger compliance (regulations 16 and 17)

- 7.61 In order to ensure that as few people as possible arrive in England without a completed Passenger Locator Form or notification of a negative COVID-19 test result, persons operating commercial transport services (“operators”) for passengers travelling to England from outside the common travel area are required to ensure that passengers who arrive in England on such services have completed a Passenger Locator Form and possess notification of a negative test result. Operators operating shuttle services through the Channel Tunnel are instead required to ensure that passengers have these documents by the time they present at UK immigration control at the Channel Tunnel shuttle terminal area in France.

Provision of information (regulations 13-15)

- 7.62 Operators are also required to ensure information is provided to passengers about COVID-19, COVID-19 disease and related duties and public health guidance. The information must be provided to passengers before they book their travel, when they check in and whilst they are on board the vessel, aircraft or train.
- 7.63 The aim is to allow those wishing to travel to England to make an informed choice about whether to complete their journey and increase public awareness of, and thereby compliance with, public health measures to be taken to reduce the spread of COVID-19.
- 7.64 Coach and mini-bus operators are not required to comply as coaches and mini-buses will enter England either on vessels or trains and passengers will receive the relevant information while on board.

- 7.65 As one passenger may book or check-in on behalf of a group, an operator complies with the requirement where it provides information to the person booking or checking-in and requests that they provide that information to other passengers who they consider to be capable of understanding the information.
- 7.66 As bookings and check-in processes may be managed by third parties, operators will have a defence for not complying with the requirement if they take reasonable steps to ensure that the person managing those processes provides the information.

Requirement to ensure that certain passengers arrive only at designated ports (regulation 18)

- 7.67 Passengers arriving from red-list countries are escorted from immigration through the baggage hall and customs to the hotel. Running this Managed Quarantine Service airside process requires significant infrastructure, signage and private security resourcing to escort passengers from red-list countries and prevent absconding. It is only feasible and proportionate to resource this operation at a select number of ports of entry into the UK. Consequently, there are limits on the number of designated ports of entry for passengers arriving from red-list countries.
- 7.68 Operators are required to take all reasonable steps to ensure that passengers from category 3 countries and territories, set out in Schedule 3, arrive only at designated ports. These ports are specified in paragraph 4 of Schedule 11.
- 7.69 Limited exceptions to this rule are set out in regulation 18(2).

How will the measures be enforced?

- 7.70 If an operator fails to comply with a requirement in respect of passengers arriving in England, it commits a criminal offence. The offence is summary-only and punishable by an unlimited fine. The offence may also be dealt with by way of a £2,000 fixed penalty (per contravention).
- 7.71 Operators are required to keep records of the steps taken to comply with the requirement to provide information to passengers and authorised persons may request information from them to monitor compliance. If an operator fails, without reasonable excuse, to keep records or to provide information to an authorised person, it commits an offence, punishable on summary conviction by a fine not exceeding level 4 on the standard scale (£2,500).
- 7.72 The authorised persons responsible for enforcement are the Civil Aviation Authority in relation to passengers arriving by air, the Office of Rail and Road in relation to passengers arriving by rail and the Secretary of State for Transport in relation to passengers arriving by sea. The Secretary of State for Transport's functions in relation to passengers arriving by sea will be exercised by the Maritime and Coastguard Agency. Authorised persons may issue fixed penalty notices and commence criminal proceedings against operators in the event of noncompliance.

Prohibition on arrival of aircraft/vessels directly from specified countries (Schedule 13)

- 7.73 The arrival of aircraft and vessels into England from certain red-list countries is prohibited by Schedule 13 and contravening the prohibition is a criminal offence. This does not apply to flights/voyages such as commercially operated vehicles carrying no passengers (e.g. cargo and fleet movements) and those operated by or in support of the Government. Not all red-list countries are included in the flight ban as the Government is currently assessing the impact of flight bans on passenger flows

following the introduction of managed self-isolation; the ban on vessels only applies to countries that are within 10 days sailing time from England.

8. European Union (Withdrawal) Act/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 consolidates the International Travel Regulations, the associated operator liability regulations and the passenger information regulations.

10. Consultation outcome

- 10.1 There has been no public consultation in relation to this instrument.

11. Guidance

For passengers

- 11.1 Guidance on international travel for the public and affected sectors is available online at <https://www.gov.uk/government/collections/coronavirus-covid-19-transport-and-travel-guidance#overseas-travel>.

For operators

- 11.2 The Department for Transport is providing operational guidance to transport operators across all modes on how to implement the measures in the regulations. The Civil Aviation Authority has also issued a Notice to Airmen (NOTAM) to alert pilots to the measures in the Regulations.

12. Impact

- 12.1 A full Impact Assessment, scrutinised by the Regulatory Policy Committee, has not been prepared because this instrument is a temporary provision as part of the Government's response to COVID-19 and will cease to have effect after 12 months. A full Regulatory Impact Assessment is therefore not required and would be disproportionate.
- 12.2 For Parliamentary scrutiny, limited analysis has been conducted and signed off by the Better Regulation Unit.
- 12.3 The impact of coronavirus on businesses, charities or voluntary bodies has been significant. The purpose of Regulations is to reduce the domestic incidence of coronavirus, and therefore reduce the impact of the virus on businesses, charities or voluntary bodies. The measures enacted by this instrument will have an impact on affected travellers and businesses but that impact is set against the role that these measures play in reducing the spread of coronavirus.
- 12.4 These measures will be reviewed every 28 days, and maintained only for as long as judged necessary. In any event they will cease to have effect twelve months from coming into force, as provided by the sunset clause in the regulations.

13. Regulating small business

- 13.1 The legislation applies to people travelling in the course of activities undertaken for small businesses and all transport operators carrying international passengers into England, including small businesses.
- 13.2 The measures enacted by this instrument will have an impact on small businesses but that impact is set against the role that these measures play in reducing the spread of coronavirus.

14. Monitoring & review

- 14.1 A statutory review clause is included in the Regulations. The Secretary of State must review the need for the requirements imposed by these Regulations by 14th June 2021 and at least every 28 days thereafter.
- 14.2 The legislation will be monitored through regular scientific advice on the domestic incidence and prevalence of coronavirus, relative to the incidence, prevalence, and trajectory of coronavirus in countries and territories overseas. This will help to ascertain whether the Regulations are having a material or a marginal impact on the incidence of coronavirus in the United Kingdom, and whether the exemptions made by the instrument remain sufficiently safe.
- 14.3 The instrument will cease to have effect at the end of 16th May 2022, if not revoked earlier.

15. Contact

- 15.1 Victoria Judd at the Department for Transport, (victoria.judd@dft.gov.uk), can be contacted with any queries regarding the instrument.
- 15.2 Lola Fadina, Deputy Director for the policy area at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Robert Courts MP, Parliamentary Under Secretary of State for Transport, can confirm that this Explanatory Memorandum meets the required standard.