

Health Protection Regulations for International Travel



England

New Regulations summary

This pack covers legislation: **The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021**. It has new information to cover amendments that came into force on **19 July**.

These Regulations apply to England only and they will be reviewed at least every 28 days. This pack outlines the police role and police powers in relation to these Regulations. It also outlines the powers available to other agencies so that police are aware.

In summary, people arriving in England having begun their journey from outside the **common travel area** are required to:

- provide information via a completed passenger locator form (exemptions apply)
- possess valid notification of a negative COVID test result (exemptions apply)
- book and undertake a COVID test no later than end of day 2 after arriving
- possess or obtain a testing package as soon as practicable (exemptions apply)

Territories listed in Schedule 2 (**amber list**) are also required to:

- book and undertake COVID tests on day 2 and day 8 of their self-isolation*
- self-isolate for 10 days at the address they provide in the passenger locator form (conditions apply)*

Arrivals from countries and territories listed in Schedule 3 (**red list**), are also required to:

- be in possession of a managed self-isolation package

* Unless the person is **an eligible category 2 arrival**

The Regulations

Different restrictions apply depending on where a person has arrived from (or has been at any time in the period beginning with the 10th day before the date of their arrival in England). This guidance is therefore split into: arrivals from countries and territories from the **red, amber and green lists** (exemptions apply).

	Arrivals subject to additional measures: Red list	Arrivals subject to additional measures: Amber list	Arrivals: Green list
Area	Arrivals from countries listed in Schedule 3	Arrivals from countries outside common travel area, but not listed in Schedules 1 or 3	Arrivals from countries listed in Schedule 1
Before arrival	Possess negative test, have completed passenger locator form (PLF), have booked managed self-isolation package (includes mandatory tests)	Possess negative test, have completed passenger locator form (PLF), have booked mandatory tests	
Arrival	Arrival at designated airports, military airfield or military port	Arrival at any seaport, airport, heliport terminal or the Channel Tunnel	
Mandatory testing*	Requirements to take day 2 and day 8 COVID tests		Requirement to take day 2 COVID test
Self-isolation*	At the accommodation booked as part of the managed self-isolation package	At the address specified on their passenger locator form (conditions apply)	No requirement to self-isolate unless their day 2 test is positive

*Unless they are an eligible category 2 arrival, in which case the relevant requirement is the same as stated in the 'Arrivals: Green List' column of this table.

Requirements – Red list arrivals

People arriving from red list countries are required to:

- provide passenger information via a passenger locator form
- possess valid notification of a negative COVID test result
- only enter England at a designated port: Heathrow Airport; Gatwick Airport; London City Airport; Birmingham Airport; Farnborough Airport; Bristol Airport; any military airfield or port
- possess or obtain as soon as practicable a ‘managed self-isolation package’ which means accommodation (designated by the Secretary of State), transport to that accommodation (facilitated by the Secretary of State) and mandatory COVID day 2 and day 8 test bookings
- on arrival, they must travel directly to the accommodation designated in the managed self-isolation package using the means of transport designated in that package
- take mandatory day 2 and day 8 COVID tests
- self-isolate in the designated accommodation for 10 days beginning the day after their arrival in England or until the end of the period for which they are required to self-isolate if they receive a positive COVID test result or fail to undertake a mandatory test

Note: they do not need to self-isolate from other people with whom they were travelling when they arrived in England and who are self-isolating with them.

Powers at the airport – Red list arrivals

The Regulations provide powers that are **primarily to be used by other agencies:**

- Immigration officers and designated security contractors may direct arrivals to:
 - remain in a particular area of a port to await transportation to designated accommodation
 - move to a particular place to board designated transportation
 - board designated transportation to travel to designated accommodation
 - remain in place where they are self-isolating
- Immigration officers may also remove arrivals to designated accommodation
- Immigration officers who have reasonable grounds to believe an arrival has committed an offence of contravening the requirement to provide passenger information or the provision of false or misleading passenger information may:
 - a) require that person to produce their passport or travel document for examination
 - b) detain the person for up to three hours (this does not confer a power to detain or search an unaccompanied child)
 - c) search the person (not an intimate search) and any baggage belonging to them or under their control, or any vehicle in which the person has travelled, for evidence, other than items subject to legal privilege
 - d) seize and retain any document or article recovered by a search under sub-paragraph (c)

Any search must be conducted by an authorised person of the same gender as the person being searched.

Police powers – Red list arrivals

There are additional powers relating to people who have absconded from their designated accommodation:

- A constable may enter premises in order to search for a red list arrival who is suspected of contravening the requirement to self-isolate or to remove them to the accommodation designated as part of their managed self-isolation package. (Note: a PCSO may accompany the constable but they do not have these entry powers).
- A constable can exercise these powers provided they have reasonable grounds to believe a red list arrival who has contravened the requirement to self-isolate is in or on the premises, and they have a reasonable belief that it is necessary and proportionate to enter the premises to remove a person.
- The constable may use reasonable force if necessary.
- If asked by a person on the premises*, the constable must show evidence of their identity and outline the purpose for which the power is being exercised.
- If the premises are unoccupied or the occupier is temporarily absent, the constable must leave the premises as effectively secured against unauthorised entry as when they found them.

*Includes any building or structure or any land.

Offences – Red list arrivals

A person commits an offence if they contravene a requirement, without reasonable excuse:

- to provide the required information on the passenger locator form (Regulation 3)
- to possess notification of negative test result (Regulation 4)
- to possess a managed self-isolation package (Schedule 11)
- to book and undertake tests (Regulation 6)
- to comply with a requirement in or imposed under Regulation 11 (enforcement of requirement to self-isolate)

Additionally, a person who:

- fails to self-isolate (in accordance with Schedule 11) commits an offence – specific exceptions apply see [page 10](#)
- without reasonable excuse, willfully obstructs any person carrying out a function under these Regulations commits an offence
- intentionally or recklessly provides false or misleading passenger information commits an offence

An offence under these Regulations is punishable on summary conviction by a fine.

Fixed penalty notices (FPNs) – Red list arrivals

An authorised person (including a constable) may issue an FPN to anyone that they have reasonable grounds to believe:

- has committed an offence under these Regulations, and
- is aged 18 or over

An FPN can be issued for contravening:

- the requirement to provide information (Regulation 3)
- the requirement to possess valid notification of a negative COVID test result (Regulation 4)
- or if an individual, without reasonable excuse, wilfully obstructs any person carrying out a function under Regulation 3 and Regulation 4

The FPN amounts can be found in Schedule 14.

The FPN amounts for contravening:

- the requirement to book or undertake a COVID test in accordance with Regulation 6 are:
 - £1,000 FPN for the failure to possess a testing package for themselves or any accompanying child aged 5 or over (£2,000 if a person does not possess a testing package and fails to obtain one as soon as is practicable)
 - £1,000 FPN for the failure to undertake the tests in accordance with their testing package (£2,000 for the second FPN).

Note: a person who tests positive for their mandatory 2 day test does not need to take the mandatory 8 day test

Fixed penalty notices (FPNs) – Red list arrivals

An FPN can be issued for contravening:

- the requirement to possess a managed self-isolation package
- the requirement to travel directly to accommodation designated in the managed self-isolation package
- the requirement to self isolate

The FPN amount for the above are:

- £5,000 for the first FPN
- £8,000 for the second FPN
- £10,000 for the third and subsequent FPNs

An FPN can be issued for contravening the requirement to enter only at designated ports, or for providing false or misleading passenger information. The FPN amount is:

- £10,000

Self-isolating – exceptions for red list arrivals

During the period of their self-isolation, a person may not leave or be outside of the place where they are self-isolating except:

- to travel directly to a port to leave the Common Travel Area
- to fulfil a legal obligation, including attending court or satisfying bail conditions or to participate in legal proceedings
- with the prior permission by a person authorised by the Secretary of State (and they must comply with any reasonable requirements imposed by an authorised person) to:
 - take exercise
 - visit a person whom the person reasonably believes is dying, and where the person is a member of their household or a close family member or friend
 - attend the funeral of a member of the person's household or a close family member

In other exceptional circumstances such as to:

- seek medical assistance where this is required urgently or on the advice of a registered medical practitioner including to access services from dentists, opticians, audiologists, chiropodists, chiropractors, osteopaths and other medical and health practitioners, including services relating to mental health
- access critical public services including social services or services provided to victims
- avoid injury or illness or to escape risk of harm
- access veterinary services where this is required urgently or on the advice of a veterinary surgeon

Requirements – Amber list arrivals

Arrivals from **countries outside the common travel area** are required to:

- provide information via a passenger locator form
- possess valid notification of a negative COVID test result
- book mandatory day 2 and day 8 COVID tests
- travel directly to the place where they are self-isolating (as detailed on the passenger locator form) which must be:
 - their home
 - the home of a friend or family member
 - a hotel, hostel, bed and breakfast accommodation or other specified place
- stay there until the end of the period of 10 days beginning with the day after their arrival in England or until the end of the period for which they are required to self-isolate depending on COVID test results

Note: The person does not have to self-isolate from other members of the household at the provided address (for example, friends or family residing at the provided address).

Exemptions for vaccinated travellers

‘An eligible category 2 arrival’ (Regulation 2A) is defined as someone who is an Amber list arrival, who either:

- has declared on the Passenger Locator Form (PLF), and can prove through the NHS COVID pass (or Scottish, Welsh or Northern Ireland equivalent) that they have been fully vaccinated in the UK at least 14 days before their date of arrival in England
- has declared on the PLF, and can prove, that they’re a participant in a UK vaccine trial (conditions apply)
- is under 18 and ordinarily a resident in the UK
- has declared on the PLF, and can prove, that they have been fully vaccinated under the UK vaccine roll-out overseas at least 14 days before their arrival in England
- is under 18 and a dependant of a person to whom UK vaccine roll-out overseas applies

Amber list arrivals who qualify for this exemption are:

- not required to self-isolate unless they test positive
- need to take a day 2 test but not a day 8 test

Police powers – Amber list arrivals

The police might receive information that someone who should be self-isolating has left, or is outside of the place where they are self-isolating. This could be from a member of the public, in the course of their duties or via a direct referral from another agency.

If a constable has reasonable grounds to believe that a person has left, or is outside of, the place where they are self-isolating (and that **no exceptions apply**) they can:

- direct that person to return to the place where they are self-isolating
- remove that person to the place where they are self-isolating
- where it is not practicable or appropriate to take either of the two actions above, remove that person to accommodation facilitated by the Secretary of State for the purposes of their self-isolation

Use of reasonable force is permitted, where necessary, in the exercise of the powers to remove.

Also, a person who possesses a testing package must provide evidence of it if requested by an immigration officer or a constable.

Offences – Amber list arrivals

A person commits an offence if they contravene a requirement, without reasonable excuse (exceptions apply):

- to provide the required information on the passenger locator form (Regulation 3)
- to possess notification of negative test result (Regulation 4)
- to book and undertake tests (Regulation 6)
- fail to self-isolate (Regulation 9)

Additionally, a person commits an offence if they:

- fail to comply with a requirement in or imposed under Regulation 11 (enforcement of requirement to self-isolate)
- without reasonable excuse, willfully obstructs any person carrying out a function under these Regulations
- intentionally or recklessly provides false or misleading passenger information

An offence under these Regulations is punishable on summary conviction by a fine.

Fixed penalty notices – Amber list arrivals

An authorised person (including a constable) may issue an FPN to anyone that they have reasonable grounds to believe:

- has committed an offence under these Regulations, and
- is aged 18 or over

An FPN can be issued for:

- contravening the requirement to provide information (Regulation 3)
- intentionally or recklessly providing false or misleading passenger information
- contravening the requirement to possess valid notification of a negative COVID test result (Regulation 4)
- if an individual, without reasonable excuse, wilfully obstructs any person carrying out a function under Regulations 3 and 4

The FPN amounts can be found in Schedule 14.

The FPN amounts for contravening:

- the requirement to book or undertake a COVID test in accordance with Regulation 6 are:
 - £1,000 FPN for the failure to possess a testing package for themselves or any accompanying child aged 5 or over (£2,000 if a person does not possess a testing package and fails to obtain one as soon as is practicable)
 - £1,000 FPN for the failure to undertake the tests in accordance with their testing package (£2,000 for the second FPN)

Note: a person who tests positive for their mandatory 2 day test does not need to take the mandatory 8 day test.

Fixed penalty notices – Amber list arrivals

The FPN amounts for:

- contravening the requirement to self-isolate are:
 - £1,000 for the first FPN
 - £2,000 for the second FPN
 - £4,000 for the third FPN
 - £10,000 for the fourth and any subsequent FPN (note: if an individual has received more than one FPN for this offence before 2 October 2020, only one of those notices may be taken into account)

Self-isolating exceptions – Amber list arrivals

Where a person is required to self-isolate, during the period of their self-isolation, they may not leave, or be outside of, the place where they are self-isolating, except:

- **to travel in order to leave England**, provided that they do so directly (provided they do not record a positive COVID test result)
 - **to seek medical assistance**, where this is required urgently or on the advice of a registered medical practitioner, including to access services from dentists, opticians, audiologists, chiropodists, chiropractors, osteopaths and other medical or health practitioners, including services relating to mental health
 - **to access veterinary services**, where this is required urgently or on the advice of a veterinary surgeon
 - **to undertake a workforce test** required by regulation 7
 - **to fulfil a legal obligation**, including attending court or satisfying bail conditions, or to participate in legal proceedings
 - **to avoid injury or illness, or to escape a risk of harm**
- **on compassionate grounds**, including to attend a funeral of:
 - a member of their household
 - a close family member
 - a friend (if no household or close family members are attending)
 - **to move to a different place for self-isolation specified in the passenger locator form**
 - in exceptional circumstances such as:
 - **to obtain basic necessities**, such as food and medical supplies for those in the same household (including any pets or animals in the household), where it is not possible to obtain these provisions in any other manner
 - **to access critical public services**, including social services and services provided to victims
 - **to move to a different place for self-isolation**, where it becomes impracticable to remain at the address at which they are self-isolating (**Officer discretion is key**)
 - **for the purposes of, or connected with, undertaking a test in accordance with Schedule 8 or Schedule 10** (mandatory or optional tests).

Requirements – Green list arrivals

Arrivals from **countries outside the common travel area** are required to:

- provide information via a passenger locator form
- possess valid notification of a negative COVID test result
- book mandatory day 2 COVID test

Reasonable excuses

Reasonable excuses – Requirement to possess notification of negative test result

It is an offence not to possess notification of a negative test result without reasonable excuse.

Reasonable excuses include where:

- a) a person was medically unfit to provide a sample for a qualifying test and possessed a document, in English or accompanied by a certified English translation, signed by a medical practitioner entitled to practise in the country or territory in which that practitioner was based, to that effect
- b) it was not reasonably practicable for a person to obtain a qualifying test due to a disability
- c) a person required medical treatment with such urgency that obtaining a qualifying test was not reasonably practicable
- d) a person contracted coronavirus and required emergency medical treatment
- e) a person was accompanying, in order to provide support, whether medical or otherwise, a person described in (c) or (d) where it was not reasonably practicable for the accompanying person to obtain a qualifying test
- f) a person began their journey to England in a country or territory in which a qualifying test was not available to the public, with or without payment, or in which it was not reasonably practicable for a person to obtain a qualifying test due to a lack of reasonable access to a qualifying test or testing facility and it was not reasonably practicable for them to obtain a qualifying test at their last point of departure if this was different to where they began their journey
- g) the time it has taken a person to travel from the country or territory where they began their journey to the country or territory of their last point of departure prior to arriving in England meant that it was not reasonably practicable for them to meet the applicable time requirements in Schedule 7), and it was not reasonably practicable for them to obtain a qualifying test at their last point of departure

Reasonable excuses – Requirement to book and undertake tests

For day 2 and day 8 COVID **test booking**, reasonable excuses include where:

- a) it was not reasonably practicable for a person to book a test due to a disability
- b) due to a disability, a person reasonably considered before arriving in England that it would not be reasonably practicable for them (or, as the case may be, the child for whom the person has responsibility) to provide a sample for a test in accordance with Regulation 3B
- c) a person required medical treatment with such urgency that booking a test was not reasonably practicable
- d) a person was accompanying, in order to provide support, whether medical or otherwise, a person described in a) or c) where it was not reasonably practicable for the accompanying person to book a test
- e) a person began their journey to England in a country or territory in which the person did not have reasonable access to the facilities or services required to book a test, with or without payment, and such facilities or services were not reasonably accessible in their last point of departure if this was different to where they began their journey

With regards to **undertaking the test(s)**, reasonable excuses include, where:

- (i) it is not reasonably practicable for the person to undertake a test due to a disability
- (ii) the person requires medical treatment with such urgency that undertaking a test is not reasonably practicable
- (iii) a test is cancelled for reasons beyond the person's control
- (iv) the person has left England

Recording

These are non-recordable offences and cannot be punished by imprisonment.

Ensure that you are adhering to your own force protocols and force management system recording.

Biometrics are not required to be taken.

Powers of arrest

Section 24(5) of the Police and Criminal Evidence Act 1984 applies in relation to an offence under this Regulation as if the reasons for arrest without warrant include:

- a) to maintain public health
- b) to maintain public order

The initial police response should be to encourage voluntary compliance. Policing will continue to apply the four-step escalation principles:

- Engage
- Explain
- Encourage and only
- Enforce as a last resort

Children and young people

If a person under 18 has left, or is outside of, the place where they are self-isolating and they are accompanied by an individual who has responsibility for them:

- You can direct that individual to take the child to the place where they are self-isolating.
- The responsible individual must ensure that the child complies with any direction given, as far as reasonably practicable.
- Where there are reasonable grounds to believe that the child is repeatedly failing to comply with requirements, you can direct the responsible individual to ensure, so far as reasonably practicable, that the child complies.

These powers should only be used where it is a necessary and proportionate means of achieving compliance.

An FPN may be issued to a responsible adult who fails, when directed, to stop a child from breaching the requirements to self-isolate where it is reasonably practicable to do so. It is the breach of the direction that can result in an FPN.