

RYA Guidance on restrictions on leaving England for destinations outside the United Kingdom



The Government's primary aim in restricting international travel is to prevent the risk from imported cases and Variants of Concern. You should also be aware that there may well be COVID-19 restrictions that prevent you from entering your intended destination.

[The Health Protection \(Coronavirus, Restrictions\) \(Steps\) \(England\) Regulations 2021](#) place restrictions on leaving England for destinations outside the United Kingdom or to travel to, or be present at, an embarkation point for the purpose of travelling from there to a destination outside the United Kingdom without a reasonable excuse.

As the list of permitted reasons is non-exhaustive, it could well be the case that travelling overseas for boating purposes (e.g. to maintain/repair/sell/buy/repatriate) may be permitted. However, our main concern is that the penalty for breach of the international travel restrictions includes a £5,000 fine. The RYA has therefore sought clarification from Government as to the circumstances in which a £5,000 fine may be imposed. The initial response is that the police will be responsible for enforcement and they will continue to use the 4Es approach, namely **Engaging** with individuals who are not following the rules, **Explaining** the rules to them and **Encouraging** them to comply before moving on to **Enforcing** the law.

Government expects the police to continue to use their common sense, discretion and experience in enforcing coronavirus regulations. Whilst this provides some level of reassurance that a fine is unlikely to be imposed as a first sanction, we are nevertheless disappointed that this does not provide complete clarity on the matter, as inevitably there will be divergences in how police apply sanctions and therefore continue to engage with Government on the issue.

Travel abroad

The Government's Global Travel Taskforce is expected to report in April with recommendations aimed at facilitating a return to international travel. Following that, the Government will determine when international travel should resume, which will be no earlier than 17 May 2021.

Currently, it is illegal to travel abroad without a reasonable excuse and travelling abroad for a holiday is not permitted. (Different rules apply for international travel if you are departing from [Northern Ireland](#), [Scotland](#) and [Wales](#)). The regulations contain a non-exhaustive list of reasonable excuses and **it is for you to decide whether your reason to travel abroad is a reasonable excuse (the RYA is not able to do so on your behalf) this may then be open to the scrutiny of the police.**

Since 8 March, outbound travellers have been legally obliged to provide their reason for travel on the [Declaration to Travel form](#) and it is a legal requirement to carry a completed copy where you intend to leave the UK. You may be required to show this declaration form at your port of departure, or on your way to your port of departure.

The Declaration to Travel form can be inspected by a 'relevant person' (e.g. a constable) who has the power to take such action as is necessary to enforce a breach of the travel restrictions. If the relevant person, decides that your Declaration does not disclose a reasonable excuse then you may be instructed not to travel *and* could be fined. In line with the 4 E's approach we would hope that, if your reason for international travel was not considered to be a reasonable excuse, you would be instructed not to travel i.e. sent home, as opposed to being issued with a fine and we are continuing to engage with Government on this issue.

International travel FAQs

These FAQs have been developed in accordance with [The Health Protection \(Coronavirus, Restrictions\) \(Steps\) \(England\) Regulations 2021](#) and the 'COVID-19 Response - Spring 2021' which sets out how the Government will continue to protect and support citizens across the UK and provides a roadmap out of the current lockdown in England. The Devolved Administrations have set out how the lockdown will be eased in Scotland, Wales and Northern Ireland.

Q: Can I travel to buy/sell a boat?

A: Schengen rule apart, if the boat is your/is to be your main residence then arguably this is permitted although if it is your main residence and is abroad, you not likely to be in the UK in the first place. The law permits people to travel abroad if they are only in the UK on a temporary basis.

Otherwise if it is for recreational purposes, we do not believe that travel is permitted within the spirit of preventing the risk from imported cases and Variants of Concern and a sale or purchase should wait until international travel restrictions are lifted.

Q: Can I travel to return a boat before the period of grace expires in order to claim relief from VAT under the Returned Good Relief (RGR) procedure?

A: As a result of joint lobbying by the RYA and British Marine, the Government has extended the period of grace until 30 June 2022 giving you 15 months to get your boat back to UK provided you are eligible for Returned Goods Relief (RGR), you may therefore find it difficult to argue that a trip now is essential. The RYA is monitoring this closely and continues to lobby vigorously for more reasonable terms under RGR.

Q: I simply want to repatriate my boat to the UK; can I do that?

A: We fully understand that people might now want to repatriate their boats to the UK for a number of valid reasons including the COVID-19 restrictions in Europe and the impact that the Schengen rule has on long term cruising plans. However, whilst 'Stay in the UK' restrictions are in place, we do not believe that this is a reasonable excuse no matter how desirable you may think it to be.

Q: Can I travel to carry out maintenance?

A: As stated above, the legislation includes a non-exhaustive list of permitted reasons to travel outside of the UK but travelling abroad for the purpose of maintaining boats is not mentioned in the legislation.

We fully understand the desire of those whose boats are lying abroad and who have not seen them for a considerable period of time. However, whilst 'Stay in the UK' restrictions are in place, we do not believe that general boat maintenance is an acceptable reason to travel outside of the UK. Given the restriction on international travel is aimed at preventing the importation of COVID Variants of Concern, desirable maintenance is not likely to be considered a reasonable excuse, even where not doing so may result in higher maintenance costs in the future.

If, however, you consider that maintenance is essential to prevent risk of harm or injury then you may be able to argue it is a reasonable excuse for travelling internationally. However, it is likely that Government would expect you to use the marina/yard/country resident third party to carry out the maintenance to avoid the need for you to leave the country. If none of that is possible (but arguably not due to costs) then it may be a reasonable excuse for travel, but it is for you alone to determine that in the first instance, thereafter the police have responsibility for deciding whether it is in fact a reasonable excuse.

Q: I am a delivery skipper, can I and my crew travel internationally?

A: The regulations clearly state that it is a reasonable to travel outside the United Kingdom where it is reasonably necessary for a person to leave the United Kingdom for the purposes of their work, if it is not reasonably possible for the person to work from a location within the United Kingdom. Therefore, it is likely to be a reasonable excuse for a skipper to travel overseas for work purposes.

Whether this extends to crew will depend on their employment status with the delivery company. If crew are taken on to enhance their own experience and/or are paying for the trip, then that is likely not to be a reasonable excuse but a holiday.

Q: Can I visit my boat for a holiday?

A: This is not permitted at the under the current regulations. The restriction on leaving the United Kingdom is not linked to the Government's 3 steps and it is quite possible that international travel will not be permitted even when the Government's roadmap out of lockdown is largely fulfilled.

The DfT lead [Global Travel Taskforce](#) will report on 12 April with recommendations aimed at facilitating a return to international travel as soon as possible while still managing the risk from imported cases and variants of concern. Following that, the government will determine when international travel should resume, which will be no earlier than 17 May. That means the restriction on international travel could be eased in time for the summer. However, there is no guarantee that the restriction will be lifted after the review reports. The Prime minister has stated that "*the prospect of holidays looked difficult due to coronavirus cases rising in other European countries*".

Updated: 06/04/21. We will update these FAQs when, and if, we receive more clarity.

The above guidance to members and affiliates is the RYA's interpretation of the Government's current position. Although we strive to ensure that all the information is accurate and up to date, this cannot be guaranteed due to the developing and fast-moving situation. RYA members should review the Government's full guidance themselves and follow the latest announcements at www.gov.uk.