

# SL(5)588 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 2) Regulations 2020

## Background and Purpose

---

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (“the International Travel Regulations”).

The International Travel Regulations impose requirements on persons entering Wales after being abroad. They include a requirement for persons arriving in Wales to isolate for a period of 14 days. The requirements are subject to exceptions, and persons entering Wales after being in one or more exempt countries and territories are not required to isolate. These Regulations amend the International Travel Regulations to remove Spain from the list of exempt countries and territories.

## Procedure

---

Negative.

## Technical Scrutiny

---

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

## Merits Scrutiny

---

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

### **1. Standing Order 21.3(ii): that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

These Regulations came into force on the day before they were laid before the Senedd. This also means that there is a breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force). We note the explanation provided by Rebecca Evans MS, Minister for Finance and Trefnydd, in a letter to the Llywydd dated 27 July 2020 that:

*It has been necessary to urgently remove Spain from the list of exempted countries and territories that are set out in the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 following advice which indicates the risk to public health of inbound travel from Spain has risen.*

*Not adhering to the 21 day convention, and bringing them into force before they were laid, allows these Regulations to come into force at the earliest opportunity, and in view of the changing evidence on risk in relation to this disease this is considered necessary and justifiable in this case.*

### **2. Standing Order 21.3(ii): that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**



On 8 June 2020, Vaughan Gething MS, Minister for Health and Social Care, gave evidence to us on the Wales restrictions. He said: "We actually want to have something that helps the public to understand how they can follow the rules, and that's why the guidance is really important as well".

At the time of writing, users of the Welsh Government website who click on the link for guidance on "*Foreign travel and returning home*", are directed to the UK Government website. The UK Government website gives advice on returning to the UK, and then directs the reader back to the Welsh Government website for guidance on self-isolating in Wales.

One of the links on the UK Government page is to the Welsh Government Guidance "*How to self-isolate when you travel to Wales: coronavirus (COVID-19)*". This can be also be accessed directly through the Welsh Government website as part of its suite of information on "Travel: coronavirus". It states that "*if you arrive in the UK and have been outside the Common Travel Area within the last 14 days, then you will need to self-isolate for the remainder of the 14 day period*". This guidance was last updated on 7 June 2020, however travellers from exempt countries outside the Common Travel Area have not had to isolate since 10 July 2020.

The Welsh Government guidance "*Travellers exempt from self-isolation: coronavirus (COVID-19)*" has however been updated and includes a list of exempt countries, which does not include Spain.

Whilst some people using the guidance may eventually be able to work out the law on returning to Wales from a foreign country, the guidance is not clear or easy to navigate, and is likely to cause confusion to some readers.

## Implications arising from exiting the European Union

---

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Government Response

---

A Welsh Government response is required to the second merits point.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**29 July 2020**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

—  
Welsh Parliament

**Legislation, Justice and Constitution Committee**