

SL(5)603 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 7) 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 having been abroad. They include a requirement for persons arriving in Wales to isolate for a period determined in accordance with the Regulations. The requirements imposed by the International Travel Regulations are subject to exceptions, and certain categories of person are exempt from having to comply.

Persons entering Wales after being in one or more of the countries and territories listed in Schedule 3 to the International Travel Regulations (“exempt countries and territories”) are not required to isolate. These Regulations amend the list of exempt countries and territories to add Cuba and Singapore to the list, and to remove the Czech Republic, Jamaica and Switzerland. The Regulations also add a further event to the list of sporting events in Schedule 4 for which those involved are either exempted or excepted from isolation requirements.

Procedure

Negative.

Technical Scrutiny

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

Merits Scrutiny

The following 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

We note the 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), and the explanation for the breach provided by Rebecca Evans MS, Minister for Finance and Trefnydd, in a letter to the Llywydd dated 28 August 2020.



In particular, we note what the letter says that:

"Not adhering to the 21 day convention 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

Regulations 3 and 5 make transitional provisions relating to the countries' change of status and the requirement to isolate. We think that it would be helpful for members of the public if the Welsh Government explained these transitional provisions in their guidance Travellers exempt from Welsh border rules: coronavirus (COVID-19).

Implications arising from exiting the European Union

None.

Welsh Government response

We accept that additional detail in the guidance may be helpful and will consider this further. In the meantime, we hope that the regulations and explanatory documents alongside a high profile communications exercise means that travellers are informed as to when the isolation requirements must be followed.

Legal Advisers

Legislation, Justice and Constitution Committee

8 September 2020

