

**Explanatory Memorandum to the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 18) Regulations 2020 and the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 19) Regulations 2020**

This Explanatory Memorandum has been prepared by the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 18) Regulations 2020 and Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 19) Regulations 2020

**Vaughan Gething**  
**Minister for Health and Social Services**

6 November 2020

## **1. Description**

Subject to specified exemptions, until 10 July 2020, the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (“the International Travel Regulations”) required all passengers arriving in Wales from outside of the Common Travel Area (i.e. the open borders area comprising the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland) to provide their contact details and travel information and to isolate for a period of 14 days.

The International Travel Regulations were amended by the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) Regulations 2020 so as to (among other things) introduce an exemption from the isolation requirement for passengers arriving from specified countries and territories, known as “exempt countries”.

Both sets of Regulations further amend the International Travel Regulations. The “No 18 Regulations” take account of emerging risk arising in Denmark, and the “No 19 Regulations” implement changes identified by the Joint Biosecurity Centre in the public health risk status of certain countries or territories, as is necessary for the protection of public health.

## **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

### *Coming into force*

In accordance with sections 4(1) and 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the No 18 Regulations came into force before they were laid. The Llywydd has also been informed that the No 19 Regulations will also come into force less than 21 days after the instrument has been laid.

### *European Convention on Human Rights*

The amendments contained in both sets of Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Charter of Fundamental Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.

### *Illustrative document of amendments*

An illustrative document showing amendments made to the International Travel Regulations has been published on the GOV.wales website:

<https://gov.wales/health-protection-coronavirus-international-travel-wales-regulations-2020-amended>

<https://llyw.cymru/rheoliadau-diogelu-iechyd-coronafeirws-teithio-rhyngwladol-cymru-2020-fel-yu-diwygiwyd>

It will be updated to include the amendments being made by both sets of Regulations.

### **3. Legislative background**

The Public Health (Control of Disease) Act 1984 (“the 1984 Act”), and regulations made under it, provide a legislative framework for health protection in England and Wales. The Regulations are made in reliance on the powers in sections 45B and 45P(2) of the 1984 Act. The Explanatory Memorandum to the International Travel Regulations provides further information on these powers.

### **4. Purpose and intended effect of the legislation**

The International Travel Regulations were made on 5 June 2020 and came into force on 8 June 2020 in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

The International Travel Regulations are kept under review, and changes have been made to the list of exempt countries and territories from which travellers would not be required to isolate upon arrival in Wales – most recently late last night when the No 18 Regulations were made to urgently remove Denmark from the list of exempt countries and territories with effect from 04:00am today, Friday 6 November 2020. This was necessary because of emerging health risks being reported from mink farms in Denmark, and the need to act before further international travel from Denmark arrived in the UK.

Additionally advice which has been received from the Joint Biosecurity Centre indicates that the risk to public health posed by the incidence and spread of coronavirus in Germany and Sweden has increased. On the basis of this advice the Welsh Government consider that isolation requirements should now be introduced for travellers coming into Wales from those countries also.

The revised requirements will come into effect for any travellers entering the Common Travel Area from Germany and Sweden on or after 4.00 am on Saturday 7 November 2020.

None of the amendments to the International Travel Regulations made by the latest amending Regulations will affect the requirements under those Regulations for persons arriving into the Common Travel Area before the coming into force of the amendments.

The Welsh Ministers consider that these amendments are proportionate to what they seek to achieve, which is to respond to a serious and imminent threat to public health.

### **5. Consultation**

Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to the No 18 and No 19 Regulations.

## **6. Regulatory Impact Assessment (RIA)**

There has been no regulatory impact assessment in relation to the No 18 and No 19 Regulations due to the need to put them in place urgently to deal with a serious and imminent threat to public health.