

Government Response: The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020

This is a Government response to the draft report of the Legislation, Justice and Constitution Committee dated 10 November 2020 on the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020, which were drafted at extraordinary speed and made at 3.33 a.m. on 7 November 2020.

Technical Scrutiny point 1, 2, 3 and 4: Drafting errors

The draft report notes drafting errors in the amendments made by these Regulations to the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (the “international Travel Regulations”), the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 (the “No. 3 Regulations”) and the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 (the “No. 4 Regulations”). The Welsh Government is grateful for the notice of these issues.

The International Travel Regulations and the No. 4 Regulations have been amended to rectify these errors by the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020 which were made and laid before the Senedd on 13 November 2020.

In so far as point number 4 is concerned (inconsistencies between the Welsh and English texts), the Committee will of course appreciate that both texts have equal status and the Welsh language text is not a “translation” of the English language text.

The No. 3 Regulations expired at the end of the day on 8 November 2020. The issues identified in the draft report with the citation of powers and one of the footnotes in these Regulations did not require correction as they had no substantive effect.

The Welsh Government wishes to reassure the Committee that Public Health Wales has been in contact with all persons affected by the more stringent isolation requirements imposed by the amendments made by these Regulations. There has therefore been no need for recourse to the enforcement powers nor the criminal offence provisions in the International Travel Regulations and the No. 4 Regulations prior to the corrections being made to those provisions.

Merit Scrutiny Point 1: Interference with individual rights

The draft report notes the increased interference with the individual rights of those arriving in Wales having been in Denmark within the previous 14 days which arises from the amendments made by these Regulations. The Explanatory Memorandum outlines the extraordinary circumstances which gave rise to these Regulations being made. The health risks presented by the possibility of importing a new strain of coronavirus into Wales are, in the Welsh Government’s opinion, so severe that the increased interference in the rights of a

very small cohort of individuals is proportionate in pursuit of the legitimate aim of protecting public health in Wales.