

SL(6)004 - The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) Regulations 2021

Background and Purpose

These Regulations amend:

- Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (“the International Travel Regulations”);
- Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021 (“the Operator Liability Regulations”); and
- the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (the “Public Health Information Regulations”).

The International Travel Regulations impose requirements on persons entering Wales after having been abroad. They include a requirement for persons arriving in Wales from non-exempt countries or territories to isolate for a period determined in accordance with these Regulations.

These Regulations amend the International Travel Regulations to introduce a three level traffic light system of risk ratings for countries and territories and associated isolation and testing requirements for people who have arrived from those different destinations.

After the addition of Maldives, Nepal and Turkey to the red list from 04:00 hours on Wednesday 12 May the red list and amber list of countries remain unchanged as do the requirements for managed quarantine (where necessary) and isolation and testing before and after arrival.

These Regulations create a new category of a green list for countries and territories where the requirements will be to have a pre-departure test before travelling, to complete a passenger locator form and to have one post-arrival test on or before Day 2 but isolation will not be required.

In addition, these Regulations add Australia, Brunei, Falkland Islands, Faroe Islands, Gibraltar, Iceland, Israel, New Zealand, Portugal, Singapore, South Georgia and the South Sandwich Islands and St Helena, Tristan de Cunha, Ascension Island to the green list of countries and territories.



These Regulations also make associated changes to the Public Health Information Regulations so that the information operators of relevant services are required to provide to travellers arriving into Wales from outside the common travel area is updated to take account of the introduction of the green list arrangements.

These Regulations also make minor amendments to the Operator Liability Regulations to reflect the easing of the restrictions on international travel.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

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

The Committee welcomes the amendments made to the Public Health Information Regulations by Part 4 of these Regulations which sets out the specified information that operators must provide to passengers entering the UK concerning the easing of restrictions on international travel. This includes the signposting to the guidance in respect of public health requirements to each nation of the UK that an individual must adhere on entering each UK nation.

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

We note the Welsh Government's justification for any potential interference with human rights. In particular, we note the following paragraph in the Explanatory Memorandum:

"The amendments contained in these Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Convention on Human 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."



3. 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 there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

“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 these Regulations.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Interim Subordinate Legislation Committee

27 May 2021



Senedd Cymru

Pwylgor Is-ddeddfwriaeth Dros Dro

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Welsh Parliament

Interim Subordinate Legislation Committee