

SL(6)086 - The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021

Background and Purpose

These [Regulations](#) amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) (“the International Travel Regulations”) and the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) (“the Restrictions Regulations”).

These Regulations make the following changes to the International Travel Regulations by:

- Extending the recognition of certain vaccine certificates issued by additional European countries and territories, for the purposes of pre-departure testing and vaccine travel exemptions;
- Extending the recognition of vaccinations to further countries and territories:
Belarus, Bolivia, The Dominican Republic, Democratic Republic of Congo, Ecuador, Laos, Libya, Malawi, Mozambique, Samoa, Senegal, Vanuatu, Zambia and Zimbabwe;
- Broadening the definition of “authorised vaccine” by removing the requirement that it is to be administered in a relevant country and through recognising certain WHO recognised vaccines;
- Removing the residency requirements for travellers vaccinated in the United States of America, participants in clinical trials, and those under 18;
- Exempting all under 18s from the requirement to isolate;
- Introducing further means of proof of vaccination, including approved third countries and territories certificates and certain US State vaccination certificates;
- Making further technical amendments including around vaccinations as part of the UK vaccine roll-out overseas;
- Exempting specified persons from the requirement to provide passenger information when they have travelled to Wales in the course of their work (whether or not they have travelled in a passenger carrying conveyance): road haulage workers; road passenger transport workers; masters and seamen; pilots involved in merchant shipping; inspectors and surveyors of ships; and crew on aircraft;
- Removing the isolation requirement for non-UK resident hauliers when they are not at work;
- Removing the requirement for certain diplomats to receive written authorisation from the Foreign, Commonwealth & Development Office ahead of reliance on isolation exemption



provisions. Regulation 9 is also amended so as to align isolation exemptions for road haulage workers regardless of residency status;

- Making further technical and consequential amendments.

These Regulations also amend the Restrictions Regulations, including further extending the list of countries and territories, so that evidence of vaccination in those countries with vaccines authorised in the United Kingdom is also acceptable for the purposes of what is commonly known as the COVID-pass. The amendments maintain consistency with the vaccine recognition amendments to the International Travel Regulations.

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 three 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 Eluned Morgan MS, Minister for Health and Social Services, in a letter to the Llywydd dated 19 November 2021.

In particular, we note what the letter says regarding the four nation approach to international travel:

“Not adhering to the 21 day convention allows these Regulations to come into force at the earliest opportunity and continue the four nation approach to international travel; 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

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

Legislation, Justice and Constitution Committee

25 November 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee