

# SL(6)100 - The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 16) Regulations 2021

## Background and Purpose

The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (“the International Travel Regulations”) impose requirements on persons entering Wales after having been abroad. They include requirements for booking and undertaking coronavirus tests in accordance with those Regulations.

These [Regulations](#) amend the International Travel Regulations by correcting an error introduced to those regulations by the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) (No.3) Regulations 2021 (“the No. 3 Regulations”), which were laid on 30 November 2021.

Regulation 8 of the No.3 Regulations inserted a new regulation 6HB(3) into the International Travel Regulations relating to isolation requirements on receipt of inconclusive test results. In the English text this referred to isolation for 10 days, whereas the Welsh text incorrectly referred to isolation for 14 days.

These Regulations correct the error in the Welsh text of regulation 6HB(3) in the International Travel Regulations, clarifying that the isolation period is 10 days.

## 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.**

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 1 December 2021.

In particular, we note the following:

*“This statutory instrument amends the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020, to correct an error in an amendment to those Regulations made earlier this week by the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) (No.3) Regulations 2021. The Regulations made today will ensure that the Welsh and English text of regulation 6HB(3) are consistent. Not adhering to the 21 day convention allows this correction to come into force at the earliest opportunity and ensure travellers are able to follow a clear set of rules. It will also ensure ongoing consistency with 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.**

The Explanatory Memorandum to these Regulations confirms that no members of the public have been affected by the error. We note the following paragraphs of the Explanatory Memorandum:

*“Although very regrettable, in practice we confirm that no one in Wales or the UK will currently be affected by this error prior to its remedy. This is because when the amendment was corrected it was only the second day of the new arrangements, and as such “day 2 tests” were only just being taken. The consequences of any inconclusive test results and the disparity between the texts of the isolation periods of 10 days or 14 days would not have any impact until next week.*

*However this error needs to be corrected and action taken urgently as an inconclusive result could be returned yesterday or today and people need to plan accordingly.”*

## Welsh Government response

A Welsh Government response is not required.

### Legal Advisers

Legislation, Justice and Constitution Committee

2 December 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee