

SL(5)590 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No.3) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (“the International Travel Regulations”).

The International Travel Regulations impose requirements on persons entering Wales after being abroad. They include a requirement for persons arriving in Wales to isolate for a period of 14 days. The requirements are subject to exceptions, and persons entering Wales after being in one or more exempt countries and territories are not required to isolate.

The International Travel Regulations are amended as follows:

- Regulation 3 of these Regulations amends the International Travel Regulations to add Estonia, Latvia, Saint Vincent and the Grenadines, Slovakia and Slovenia to the Schedule 3 list of exempt countries and territories.
- Regulation 6 amends the International Travel Regulations to remove Luxembourg from the list of exempt countries and territories.
- Regulation 8 adds further events and fixtures to the list of sporting events in Schedule 4, which permit exceptions from isolation for those involved.
- Regulation 9 makes a technical amendment to correct the definition of a “sewerage licensee” in Schedule 2.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following four 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

These Regulations came into force on the day before they were laid before the Senedd. This also means that there is a 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). We note the explanation provided by Rebecca Evans MS, Minister for Finance and Trefnydd, in a letter to the Llywydd dated 30 July 2020 that:



It has been necessary to urgently remove Luxembourg from the list of exempted countries and territories that are set out in the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 following advice which indicates the risk to public health of inbound travel from Luxembourg has risen. Therefore not adhering to the 21 day convention, and bringing them into force before they are laid, allows these Regulations to come into force at the earliest opportunity, and 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 explains that 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. There has been no regulatory impact assessment in relation to these Regulations due to the need to put them in place urgently to deal with a serious and imminent threat to public health.

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

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 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.

4. 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's report on the International Travel Regulations highlighted that the definition of "sewerage licensee" relied on a provision not yet in force. These Regulations amend the definition to rectify that position.

Implications arising from exiting the European Union

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

11 August 2020

