

# SL(5)598 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 5) Regulations 2020

## Background and Purpose

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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.

These Regulations amend the International Travel Regulations as follows:

- Regulation 2 of these Regulations amends the International Travel Regulations to remove Aruba, France, Malta, Monaco, the Netherlands and the Turks and Caicos Islands from the list of exempt countries and territories.
- Regulation 3 makes transitional provision relating to these countries’ change of status. The transitional provision addresses a potential area of doubt in terms of the effect on the operation of the International Travel Regulations, of the amendment made by regulation 4 of these Regulations.
- Regulation 4 adds further events and fixtures to the list of sporting events in Schedule 4 to the International Travel Regulations.

## Procedure

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Negative.

## Technical Scrutiny

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

## Merits Scrutiny

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The following points are identified for reporting under Standing Order 21.3 in respect of this instrument:

**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**

*Breach of the 21-day rule*

1. The 21-day rule under the Statutory Instruments Act 1946 (incorporated in Schedule 10 of the Government of Wales Act 2006) provides that instruments should be laid 21 days before they come into force. This enables Members to seek to annul such instruments before they have effect, as confusion can be caused if legislation is annulled after it has been implemented.



These Regulations were laid on 14 August 2020, and came into force the following day, 15 August 2020. We note the explanation provided by Rebecca Evans MS, Minister for Finance and Trefnydd, in a letter to the Llywydd dated 14 August 2020:

*"The Regulations make these changes due to the identified changes in risk to public health posed by arrivals from these places. The Regulations also insert some additional sporting events into Schedule 4.*

*Not adhering to the 21 day convention 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."*

#### *No public consultation or regulatory impact assessment*

2. The Explanatory Memorandum to these Regulations 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. The Explanatory Memorandum also explains that 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.

#### *Human Rights*

3. 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 Welsh 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.

## Implications arising from exiting the European Union

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

## Government Response

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A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**18 August 2020**

