

## **Explanatory Memorandum to the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) (No. 2) Regulations 2020**

This Explanatory Memorandum has been prepared by the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) (No. 2) Regulations 2020.

**Vaughan Gething**  
**Minister for Health and Social Services**

11 December 2020

## 1. Description

These Regulations make amendments to the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (“the International Travel Regulations”) and the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (“the Public Health Information Regulations”).

### International Travel Regulations

Subject to specified exemptions, until 10 July 2020, the International Travel Regulations required all passengers arriving in Wales from outside of the Common Travel Area (i.e. the open borders area comprising the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland) to provide their contact details and travel information and to isolate for a period of 14 days. As of 10 December 2020, the isolation period was reduced to 10 days<sup>1</sup>.

The International Travel Regulations were amended by the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) Regulations 2020 so as to (among other things) introduce an exemption from the isolation requirement for passengers arriving from specified countries and territories, known as “exempt countries”.

The International Travel Regulations also confer powers on specified persons in specified circumstances to issue fixed penalty notices in relation to offences committed under the regulations, including in relation to offences for failure to comply with the requirements to isolate.

These Regulations amend the International Travel Regulations to:

- i. Implement changes identified by the Joint Biosecurity Centre in the public health risk status of certain countries or territories, as is necessary for the protection of public health; and
- ii. change the amount of the fixed penalty notice that may be issued in relation to a failure to isolate under the International Travel Regulations.

### Public Health Information Regulations

The Public Health Information Regulations require the operators of commercial air or sea passenger services that arrive in Wales from outside the common travel area to provide certain information to passengers using those services, relating to measures being taken in the United Kingdom in response to the incidence and spread of coronavirus, including measures required by the International Travel Regulations.

These Regulations amend the Public Health Information Regulations to:

- i. change the amount of the fixed penalty notice that may be issued under the Public Health Information Regulations; and

---

<sup>1</sup> Regulation 2 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 3) (Wales) Regulations 2020

- ii. make consequential amendments to reflect amendments made by the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 3) (Wales) Regulations 2020 to the International Travel Regulations to reduce the period for which a person is required to isolate from 14 days to 10 days.

## **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

### *Coming into force*

In accordance with section 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the Regulations will come into force less than 21 days after the instrument has been laid.

### *European Convention on Human Rights*

The amendments contained in these Regulations do not change the engagement under the International Travel Regulations or the Public Health Information 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.

## **3. Legislative background**

The Public Health (Control of Disease) Act 1984 (“the 1984 Act”), and regulations made under it, provide a legislative framework for health protection in England and Wales. The Regulations are made in reliance on the powers in sections 45B and 45P(2) of the 1984 Act. The Explanatory Memorandum to the International Travel Regulations and the Public Health Information Regulations both provide further information on these powers.

## **4. Purpose and intended effect of the legislation**

### International Travel Regulations

The International Travel Regulations were made on 5 June 2020 and came into force on 8 June 2020 in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus.

The International Travel Regulations are kept under review, and changes have been made to the list of exempt countries and territories from which travellers would not be required to isolate upon arrival in Wales – most recently on the 28 November 2020.

Advice which has now been received from the Joint Biosecurity Centre indicates that the risk to public health posed by the incidence and spread of coronavirus in the Canary Islands has increased. On the basis of this advice the Welsh Government

consider that isolation requirements should now be introduced for travellers coming into Wales from those countries.

The Regulations also add Botswana and Saudi Arabia to the list of exempt countries and territories. This is on the basis that the data received from the JBC has indicated that the risk to public health posed by the incidence and spread of coronavirus in those countries has decreased. Travellers from those countries will therefore not be required to isolate on arrival in Wales.

The revised requirements will come into effect for any travellers entering the Common Travel Area from those countries or territories on or after 4.00 am on Saturday 12 December 2020.

The Regulations also amend the amount of fixed penalty notice that may be issued for a failure to comply with the isolation requirements under the International Travel Regulations, replacing the fixed sum of £1000 with a sliding scale starting at £500 for a first offence.

This change will also come into force at 4.00 am on Saturday 12 December 2020.

#### Public Health Information Regulations

The Public Health Information Regulations were made on 15 June and came into force on 16 June in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus.

The Public Health Information Regulations must be reviewed every 21 days and require operators of international passenger services coming from outside the common travel area to an airport, heliport or seaport in Wales to provide passengers with certain public health information relating to coronavirus.

The required period of self-isolation imposed by the International Travel Regulations on persons entering Wales after having been abroad has been reduced from 14 days to 10 days by the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 3) (Wales) Regulations 2020. These Regulations make consequential amendments to the Public Health Information Regulations to reflect this.

The Regulations also amend the amount of fixed penalty notice that may be issued under the Public Health Information Regulations, replacing the fixed sum of £4000 with a sliding scale starting at £1000 for a first offence.

These changes to the Public Health Information Regulations will also come into force at 4.00 am on Saturday 12 December 2020.

None of the amendments to the International Travel Regulations or the Public Health Information Regulations made by the latest amending Regulations will affect the requirements under those Regulations for persons arriving into the Common Travel Area before the coming into force of the amendments.

The Welsh Ministers consider that these amendments are proportionate to what they seek to achieve, which is to respond to a serious and imminent threat to public health.

## **5. Consultation**

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.

## **6. Regulatory Impact Assessment (RIA)**

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.