

SL(5)594 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 4) Regulations 2020

Background and Purpose

These Regulations further amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (the “International Travel Regulations”), which impose requirements on persons entering Wales after having been abroad. They include a requirement for persons arriving in Wales to isolate for a period determined in accordance with the International Travel Regulations, currently 14 days beginning with the day on which the person was last in a non-exempt country or territory. The requirements imposed by the International Travel Regulations are subject to exceptions, and certain categories of person are exempt from having to comply. Persons entering Wales after being in one or more of the countries and territories listed in Schedule 3 to the International Travel Regulations are not required to isolate.

Regulation 2 of these Regulations amends the International Travel Regulations to add Brunei and Malaysia to the list of exempt countries and territories.

Regulation 4 removes Andorra, the Bahamas, and Belgium from the list of exempt countries and territories.

Regulations 3 and 5 make transitional provision relating to these countries’ change of status. These regulations address potential areas of doubt in terms of the effect on the operation of the International Travel Regulations, of the amendments made by regulations 2 and 4 of these Regulations.

Procedure

Negative

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

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 6 August 2020 that:



"The Regulations being made today further amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 to remove the following countries from the list of exempt countries and territories:

- *Belgium;*
- *The Bahamas;*
- *Andorra.*

The Regulations also add the following countries to the exempt countries and territories list:

- *Brunei;*
- *Malaysia.*

The Regulations make these changes due to the identified changes in risk to public health posed by arrivals from those countries.

Not adhering to the 21 day convention and bringing into force before laying allows these Regulations to come into force at the earliest opportunity, and in view of the changing evidence of 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. 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.

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 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

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.

Committee Consideration

The Committee considered the instrument at its meeting on 24 August 2020 and reports to the Senedd in line with the reporting points above.

