

SL(5)600 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 6) 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 having been abroad. They include a requirement for persons arriving in Wales to isolate for a period determined in accordance with the Regulations. 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 (“exempt countries and territories”) are not required to isolate. These Regulations amend the list of exempt countries and territories to add Portugal to the list ¹, and to remove Austria, Croatia and Trinidad and Tobago.

The Regulations also amend the categories of persons who are exempt from the requirements to isolate upon arrival into Wales.

Procedure

Negative.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts

New paragraph 38 in Schedule 2 to the International Travel Regulations, which is inserted by regulation 8(3) of these Regulations, is drafted in the past tense in the English text, but in the present tense in the Welsh text.

Merits Scrutiny

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

¹ Although at the time of writing, Portugal has been removed from the list.



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 Rebecca Evans MS, Minister for Finance and Trefnydd, in a letter to the Llywydd dated 21 August 2020.

In particular, we note what the letter says that:

"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."

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 Welsh Government website contains a PDF version of the International Travel Regulations labelled *"To show how The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 have been amended"*. This PDF is in Welsh (users are directed to the legislation.gov website for an up to date version in the English language). However it does not appear to have been updated since 15 June 2020 and so it does not reflect the amendments made by these Regulations, or any other amendments to the International Travel Regulations since 15 June. There does not therefore seem to be an easily accessible consolidated version of the Welsh text International Travel Regulations.

Implications arising from exiting the European Union

None.

Welsh Government response

Technical Scrutiny point 1 :

Response

We agree that the tense of the verb differs in places between the English text and the Welsh text of the new paragraph 38 which is to be inserted in Schedule 2 to the International Travel Regulations. It was decided to use the present tense in the Welsh text in order to ensure consistency with the preceding paragraphs in Schedule 2, which lists persons who are not required to provide information on arriving in Wales. Taking into consideration the closing words of paragraph 38(1), we consider the difference in verb tense does not change the meaning or create ambiguity, as the final clause makes it clear that the person has returned to the UK after being involved in the activities listed.

Nevertheless, we will amend the Welsh text at the first suitable opportunity.



Merit Scrutiny point 2:

Response:

The decision has been taken to remove the original 'as amended' version of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 ("International Travel Regulations") which as you helpfully point out is not up to date. The updated legislation is available on legislation.gov.uk and our guidance also contains the up to date advice on which countries and territories are exempt.

This Welsh language version was created for a particular reason at a particular point in time. Currently, legislation.gov.uk only shows the updated legislation in English. The intention is to secure additional resources to enable the functionality of updating this website, so that Welsh language texts can also be updated. The initial "as amended" version of the International Travel Regulations in the Welsh language only was prepared as the amendments being made at that time mainly affected the Welsh language text only therefore a document people could point to was provided as a means of addressing the particular concerns at that time.

Committee consideration

The Committee considered the instrument and Government response at its meeting on 14 September 2020 and reports to the Senedd in line with the reporting points above.

