

SL(5)636 – The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) (Amendment) Regulations 2020

Background and Purpose

The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (“the Information Regulations”) place a requirement on operators of international passenger services coming from outside the common travel area to an airport, heliport or seaport in Wales (“operators”) to provide passengers with certain public health information.

These Regulations amend the Information Regulations to—

- require operators to provide the information at an additional stage, namely 24 to 48 hours before an international passenger service is scheduled to depart, and
- update the information which is to be provided before a booking is made and check-in is completed, and during the journey to the port in Wales.

Regulation 2(3) amends the regulation 3 of the Information Regulations to specify the updated information to be provided before a booking is made and before check-in is completed.

Regulation 2(4) inserts a new regulation 3A into the Information Regulations requiring operators to provide the information 24 to 48 hours before an international passenger service is scheduled to depart.

Regulation 2(5), (6) and (7) makes consequential amendments, with regulation 2(7) amending regulation 6 of the Information Regulations (Offences), so that a person who contravenes a requirement in regulation 3A(2) commits an offence and is liable on summary conviction to a fine.

Regulation 2(8) substitutes the Schedule to the Information Regulations.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.



Technical Scrutiny

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

1. Standing Order 21.2 (v) – that for any particular reason its form or meaning needs further explanation.

Regulation 2(3) substitutes new text for regulation 3(2) of the Information Regulations and at new regulation 3(2)(d) requires an operator to request that the relevant information is passed on to any person on whose behalf a booking is being made, or check-in being carried out. It is unclear whether that request should be in writing or if it can be made orally.

This is in contrast to new regulation 3A(5), which is inserted by regulation 2(4). It states when another person makes a booking on an international passenger service on behalf of another passenger, the regulation is complied with if that person is provided with the relevant information between 24 and 48 hours prior to scheduled departure, along with a written request that they provide that information to the passenger.

Merits Scrutiny

The following 2 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 issue of public policy likely to be of interest to the Senedd.

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

“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.”

2. Standing Order 21.3(ii) that it is of political or legal importance or gives rise to issue of public policy likely to be of interest to the Senedd.

We note that a Regulatory Impact Assessment has not been carried out. In particular, we note the following paragraphs in the Explanatory Memorandum:

“Further to the Welsh Ministers’ regulatory impact assessment code for subordinate legislation, these Regulations form part of the response to the ongoing COVID-19 pandemic and need to be put in place urgently. As such, an RIA has not been prepared.

“However, an initial assessment indicates that the impact of the Amending Regulations on operators is low.”



Implications arising from exiting the European Union

None

Welsh Government response

Given the current circumstances regarding coronavirus, a Welsh Government response is required as soon as is reasonably practicable in relation to the technical reporting point.

Committee Consideration

The Committee considered the instrument at its meeting on 2 November 2020 and reports to the Senedd in line with the reporting points above.

