

## **Explanatory Memorandum to the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No. 4) Regulations 2021**

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) (Miscellaneous Amendments) (No. 4) Regulations 2021

**Eluned Morgan MS**  
**Minister for Health and Social Services**

7 December 2021

## 1. Description

These Regulations amend 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 Passenger Information Regulations”).

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

### *Coming into force*

In accordance with sections 4(1) and 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the Regulations do not adhere to the 21 day convention and come into force before they can be laid. This is necessary owing to the risk posed in relation to coronavirus and in particular variant strains of the same, from passengers travelling to the UK. The changes made by these Regulations continue the four nation approach to international travel and ensure continuing alignment with England and the other nations.

### *European Convention on Human Rights*

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 Convention on Human 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. These 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](#) provides further information on these powers.

## 4. Purpose and intended effect of the legislation

These Regulations amend the International Travel Regulations, with effect from 4am 7 December 2021, so that:

- Fully vaccinated travellers above a certain age arriving in Wales from outside the Common Travel Area must now take a pre-departure test (those travelling from red-list countries remain prohibited from travelling to Wales) unless they meet specific exemptions;
- The age threshold for application of the above requirement has changed from 11 to 12 years old;

- The time before departure at which a pre-departure test must be taken has been reduced to no more than 48 hours prior to departure.

Before these amendments came into force, the position was that:

- Fully vaccinated travellers did not need to take a pre-departure test;
- The age threshold for application of the requirement for unvaccinated travellers to take a pre-departure test was 11 years old;
- The time before departure at which a pre-departure test must be taken was no more than 72 hours prior to departure.

The changes are being brought in to address the threat to public health posed by the Omicron variant, which may have a greater impact on vaccinated persons than current variants. The change in timing for pre-departure tests is to increase its precision in detecting cases. The change of age reflects the age at which it is recommended children in the UK receive a vaccination.

As a result of these changes to the International Travel Regulations, it is necessary to make consequential changes to the Passenger Information Regulations to ensure the correct information is provided to travellers.

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**

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.