

## **Explanatory Memorandum to the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) (No. 3) 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) (Amendment) (No. 3) Regulations 2021.

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

30 November 2021

## 1. Description

These Regulations amend the [Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2020](#) (“the International Travel Regulations”).

## 2. Matters of special interest to 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 do not adhere to the 21 day convention. 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

A highly concerning COVID-19 variant, known as Omicron, has been identified in a number of countries. The World Health Organisation has designated it a variant of concern, due to the large number of mutations, some of which are concerning.

As a consequence of an assessment of the risk associated with this variant, the UK Government will change the requirements for all fully vaccinated travellers entering the UK.

These Regulations amend the International Travel Regulations to ensure consistency in Wales with the position in England, by making the following changes:

- Removing LFDs as an option for day 2 tests for all fully vaccinated travellers arriving from non ‘red-list’ countries.

- Require fully vaccinated travellers arriving from non 'red-list' countries to self-isolate from arrival until they get a negative result from their day 2 test PCR test.

This will mean that fully vaccinated travellers arriving from non 'red-list' countries will need to self-isolate until they have taken a day 2 PCR test and received a negative result. If they receive a positive result they will need to remain in self-isolation for a period of 10 days beginning with the day on which they took the PCR test.

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.