

## **Explanatory Memorandum to the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 9) 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) (Wales) (Amendment) (No. 9) Regulations 2021.

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

20 July 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 the Senedd**

### *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 came into force before they could be laid and 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. The law in Wales will apply to travellers regardless of their port of entry. So if the amendment being made by these Regulations was not made urgently, passengers into the UK from Metropolitan France (mainland France including the island of Corsica) would be able to leave isolation on reaching Wales.

### *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**

At the time proposed changes for exemption from the second post-arrival test and isolation was being considered for fully vaccinated arrivals from amber list countries the position for the risk rating for France was open to interpretation. After decisions at last week’s COVID-O meeting were taken relevant data was received which showed a significant public health risk would be posed by permitting arrivals from mainland France (including Corsica) to come into England without having to isolate. The Secretary of State for Health considered that implementing this exemption for people arriving from France posed an unacceptable increase in danger to public health, and so the regulations for England were prepared to reflect that the exemption should not extend to arrivals from France. The UK Government decided

that the risks posed by such travellers should be managed by maintaining the arrangements of two post-arrival tests and isolation for 10 days.

The equivalent regulations for Wales did not include this provision, as they were made ahead of the relevant data being received. In light of this data the Welsh Ministers also consider the risks to public health to be unacceptable and therefore amend the International Travel Regulations so as to remove the previously introduced vaccination based travel exemptions in relation to travellers from Metropolitan France so they are required to take two post-arrival tests on day 2 and day 8 and must isolate for 10 days.

The opportunity is also being taken in these Regulations to make a minor technical amendment to correct a drafting issue.

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.