

Explanatory Memorandum to the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022

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) Regulations 2022.

Eluned Morgan MS
Minister for Health and Social Services

10 February 2022

1. Description

These Regulations revoke the [Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2020](#) (“the International Travel Regulations”) and replace the requirements in them. These Regulations consolidate and simplify the legislative position.

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, 45C, 45F(2) 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

With effect from 04:00 hours on Friday 11 February, these Regulations revoke the International Travel Regulations. These Regulations change and consolidate the requirements set out in the International Travel Regulations. The key changes are that these Regulations:

- Add 16 countries to the list of recognised vaccination programmes and make transitional provision for persons isolating in Wales who have been vaccinated in those countries (such persons can cease isolating);
- Change the testing and isolation requirements for arriving travellers so that:

- “eligible travellers” (which includes fully vaccinated persons and those under 18) are not required to undertake any testing (and, in line with the extant position, are not required to isolate on arrival);
- Non-eligible travellers who began their journey outside the common travel area will not be required to isolate on arrival in Wales. They will still be required to take a pre-departure test and a day 2 test;
- Positive cases will have to isolate in accordance with the requirements in the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020;
- Change the time for completion of a passenger locator form to not more than 3 days before a person arrives in Wales;
- Change the information required in a passenger locator form;
- Change exemptions for arriving travellers to requirements to complete a passenger locator form and undertake testing.

These Regulations also revoke Part 3 of the Health Protection (Coronavirus, International Travel and Notification) (Wales) (Miscellaneous Amendments) Regulations 2021. This returns the Health Protection (Notification) (Wales) Regulations 2010 to their position as it was prior to the amendments in Part 3 being made. As such, private laboratories must report results of COVID-19 (including genomic sequencing) and influenza to the proper officer of the local authority.

The Welsh Ministers consider that these amendments are proportionate to what they seek to achieve which is to respond to the threat now posed to public health.

5. Consultation

Given the changing threat arising from coronavirus and the need for the public health response to keep pace, 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.