

Explanatory Memorandum to the Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) 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 Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021.

Eluned Morgan MS
Minister for Health and Social Services

19 November 2021

1. Description

These Regulations amend:

- The [Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2020](#) (“the International Travel Regulations”);
- The [Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) Regulations 2020](#) (“the Restriction Regulations”).

2. Matters of special interest to the 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(1) and (3)(c), and 45P(2) of the 1984 Act. The Explanatory Memoranda to the [International Travel Regulations and the Restriction Regulations](#) provide further information on these powers.

4. Purpose and intended effect of the legislation

These Regulations amend the International Travel Regulations by making the following changes:

- Extending the recognition of certain vaccine certificates issued by additional European countries and territories, for the purposes of pre-departure testing and vaccine travel exemptions;
- Extending the recognition of vaccinations to further countries and territories

Belarus, Bolivia, The Dominican Republic, Democratic Republic of Congo, Ecuador, Laos, Libya, Malawi, Mozambique, Samoa, Senegal, Vanuatu, Zambia and Zimbabwe;

- Broadening the definition of “authorised vaccine” by removing the requirement that it is to be administered in a relevant country and through recognising certain WHO recognised vaccines;
- Removing the residency requirements for travellers vaccinated in the United States of America, participants in clinical trials, and travellers under 18;
- Exempting all under 18s from the requirement to isolate;
- Introducing further means of proof of vaccination, including approved third countries and territories certificates and certain US State vaccination certificates;
- Making further technical amendments including around vaccinations as part of the UK vaccine roll-out overseas;
- Exempting the following persons from the requirement to provide passenger information when they have travelled to Wales in the course of their work (whether or not they have travelled in a passenger carrying conveyance): road haulage workers; road passenger transport workers; masters and seamen; pilots involved in merchant shipping; inspectors and surveyors of ships; and crew on aircraft;
- Removing the isolation requirement for non-UK resident hauliers when they are not at work;
- Removing the requirement for certain diplomats to receive written authorisation from the Foreign, Commonwealth & Development Office ahead of reliance on isolation exemption provisions. Regulation 9 is also amended so as to align isolation exemptions for road haulage workers regardless of residency status;
- Making further technical and consequential amendments in light of the above amendments.

These Regulations also amend the Restrictions Regulations, including further extending the list of countries and territories, so that evidence of vaccination in those countries with vaccines authorised in the United Kingdom is also acceptable for the purposes of what is commonly known as the COVID-pass. The amendments are required to maintain consistency with the vaccine recognition amendments to the International Travel Regulations.

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.