

Explanatory Memorandum to the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 13) 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. 13) Regulations 2021.

Eluned Morgan MS
Minister for Health and Social Services

26 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 has been identified in South Africa, after the UK identified the variant submitted by Hong Kong (ex South Africa) on GISAID and alerted international partners. South Africa delivered a press conference yesterday and highlighted exponential growth; cases have increased fourfold in the last two weeks.

As a consequence the UK Government will add Mozambique and Malawi to the ‘red list’ of countries.

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

- Add Mozambique and Malawi to the “red list” of countries and territories.

This will mean that travellers from those destinations would not be permitted to enter Wales but must enter through a port of entry in England or Scotland and go into a managed quarantine facility and must take post-arrival PCR tests on day 2 and day 8.

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.