

Explanatory Memorandum to the Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers etc) (Wales) (Revocation) 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, Operator Liability and Public Health Information to Travellers etc) (Wales) (Revocation) Regulations 2022.

Eluned Morgan MS
Minister for Health and Social Services

17 March 2022

1. Description

These Regulations revoke the [Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2022](#) (the “International Travel Regulations”), the [Health Protection \(Coronavirus, International Travel, Pre-Departure Testing and Operator Liability\) \(Wales\) \(Amendment\) Regulations 2021](#) (the “Operator Liability Regulations”) and the [Health Protection \(Coronavirus, Public Health Information for Persons Travelling to Wales etc.\) Regulations 2020](#) (the “Public Health Information Regulations”) (together “the Principal Regulations”). The Regulations also revoke a number of SIs which amend the Principal Regulations as well as the previous version of 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 because the UK government intend to revoke their regulations at 04:00 hours on 18 March which means the passenger locator form will cease from that time. Without the PLF the Wales regulations are inoperable. These Regulations are being revoked in the other nations so there will be alignment across the UK.

European Convention on Human Rights

The amendments contained in these Regulations changes the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Convention on Human Rights as current restrictions are to be removed; the Government considers that they are justified because the domestic transmission of Omicron now significantly surpasses that from imported cases therefore it is no longer proportionate to maintain the restriction measures.

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

These Regulations revoke the International Travel Regulations, the Operator Liability Regulations and the Public Health Information Regulations, with effect from 04:00 hours on Friday 18 March. A number of SIs which amend the Principal Regulations, as well as the previous version of the International Travel Regulations, are also revoked by the Regulations.

The Welsh Ministers consider that these revocations are appropriate given the changed context of the risks to public health from potential imported infection.

5. Consultation

There has been no public consultation in relation to these Regulations due to the need to put them in place urgently to ensure legislation in Wales is operable.

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 ensure legislation in Wales is operable.