

Explanatory Memorandum to The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No. 3) 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, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No. 3) Regulations 2021.

Eluned Morgan MS
Minister for Health and Social Services

1 October 2021

1. Description

These Regulations amend:

- The [Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2020](#) (“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”).

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.

The Government considers that the Operator Liability Regulations and the Public Health Information Regulations do not engage any of the individual rights under the Human Rights Act 1998 and the European Convention on Human Rights. And, to the extent that any such rights may be engaged, the Government considers that the interference is minimal and can be justified as being necessary and proportionate to achieve a legitimate aim. The amendments to the Operator Liability Regulations and the Public Health Information Regulations made by these Regulations do not change the engagement of individual rights.

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 45 and 45P(2) of the 1984 Act. The Explanatory Memoranda to the [International Travel](#)

[Regulations, the Operator Liability Regulations](#) and the [Public Health Information 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:

- Merging the amber and green lists of countries and territories;
- Removing the requirement for a pre-departure test for fully vaccinated individuals travelling from non-red list countries;
- Amending the definition of ‘fully vaccinated’ Regulation 2A traveller so that:
 - mixed doses and vaccination taken under certain different programmes are recognised,
 - the following countries are added to the list of relevant countries with recognised vaccination certification:
Australia, Antigua and Barbuda, Barbados, Bahrain, Brunei, Canada, Dominica, Israel, Japan, Kuwait, Malaysia, New Zealand, Qatar, Saudi Arabia, Singapore, South Korea, Taiwan and the United Arab Emirates (UAE);
- Adding a requirement for private diagnostic laboratories to send samples for genomic sequencing within 24 hours of processing a sample;
- Adding three events to the list of specified sporting events;
- Making a number of minor consequential or technical changes.

These Regulations also make minor amendments to the Operator Liability Regulations to reflect the changes to the restrictions on international travel made by these Regulations.

These Regulations also make consequential amendments to the Public Health Information Regulations so the information operators are required to provide to travellers both prior to and during travel reflects the changes made by these 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.