

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

**Eluned Morgan MS**  
**Minister for Health and Social Services**

20 September 2021

## 1. Description

These Regulations amend the [Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2020](#) (“the International Travel Regulations”) and the [Health Protection \(Notification\) \(Wales\) Regulations 2010](#) (“the Notification Regulations”).

## 2. Matters of special interest to the Senedd

### *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. Private testing provision is now deemed to be appropriate given the UK Government’s new regulatory performance measures, which are coming into force on 21 September. In line with the announcement made to bring these changes into effect in Wales at the earliest opportunity, Welsh Government is aligning with the 21 September coming into force date.. The law in Wales will apply to travellers regardless of their port of entry.

### *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), (2) and (3)(a), 45F(2)(a) and (b), 45P(2) and 60A of the 1984 Act. The Explanatory Memorandum to the [International Travel Regulations](#) provides further information on these powers. A link to the [Notification Regulations](#) is also provided.

## 4. Purpose and intended effect of the legislation

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

- **Bangladesh, Egypt, Kenya, Maldives, Oman, Pakistan, Sri Lanka and Turkey** are removed from the “red list”; and
- to allow coronavirus day 2 and day 8 tests to be carried out by private sector test providers, provided they comply with specified requirements, including

being appropriately accredited, having specified systems in place and making a declaration to confirm compliance.

The Regulations also amend the Notification Regulations by making the following changes:

- imposing requirements on diagnostic laboratories, sequencing laboratories and test providers to notify Public Health Wales of the results of covid-19 or influenza virus detection tests which they process; and
- imposing a requirement on diagnostic laboratories to report additional information where they process tests in accordance with 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.