

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

Eluned Morgan MS
Minister for Health and Social Services

17 February 2022

1. Description

These Regulations amend the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (S.I. 2020/595 (W. 136) (“the Public Health Information Regulations”) and the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021 (S.I. 2021/48 W. 11) (“the Operator Liability Regulations”).

The Public Health Information Regulations and the Operator Liability Regulations impose requirements on persons operating international passenger services arriving into Wales from outside the common travel area (“operators”).

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 simplify existing requirements placed on operators. To the extent that any rights may be engaged, any interference is justified and proportionate, for the purpose of preventing the spread of COVID-19 and the protection of public health.

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, 45F(2) and 45P(2) of the 1984 Act. The Explanatory Memorandum to the [International Travel Regulations](#) and the [Public Health Information Regulations](#) provide further information on these powers.

4. Purpose and intended effect of the legislation

With effect from Friday 18 February, these Regulations amend the Public Health Information Regulations and the Operator Liability Regulations. In consequence of the revocation and replacement of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) by the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022 (S.I. 2022/126 (W. 41)),

these Regulations make amendments to the Public Health Information Regulations and Operator Liability Regulations.

The Public Health Information Regulations are also amended to provide that operators need only provide specified information to passengers pre-departure and on-board an international passenger service. The Schedule is amended to update the information that must be provided to passengers

In addition, the Operator Liability Regulations are amended to replace the current suite of obligations on operators with an obligation to maintain adequate processes and systems to ensure that passengers possess certain information or evidence. The Welsh Ministers consider that these amendments are proportionate to what they seek to achieve which is to respond to the threat now posed to public health.

5. Consultation

Given the changing threat arising from coronavirus and the need for the public health response to keep pace, 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 the continued threat to public health.