

## **Explanatory Memorandum to the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) 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 and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) Regulations 2022

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

7 January 2022

## 1. Description

These Regulations amend the [Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2020](#) (“the International Travel 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 Legislation, Justice and Constitution Committee

### *Coming into force*

In accordance with sections 4(1) and 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the Regulations do not adhere to the 21 day convention and that the provisions which make changes to pre-departure testing, post-arrival testing and isolation requirements come into force before they can be laid. 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, 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 amend the International Travel Regulations, with effect from 04:00 hours on Friday 7 January for the changes to pre-departure testing, post-arrival testing and isolation requirements; from 04:00 hours on Sunday 9 January for further changes to post-arrival testing and from 04:00 hours on Monday 10 January for the addition of 16 countries to the list of recognised vaccination programmes to:

- Remove the requirement for pre-departure tests for fully vaccinated travellers and all under 18s;

- Remove the requirement to isolate until a day 2 post arrival negative test result is received for fully vaccinated arrivals and all under 18s;
- Amend the requirement for post-arrival tests to be PCRs to allow LFDs to be used as an alternative for fully vaccinated persons and those under-18, and provide that anyone who tests positive on their LFD test must isolate and take a follow-up PCR test
- Add 16 countries to the list of recognised vaccination programmes;
- Exempt children under 5 from testing and isolation requirements;
- Make consequential amendments to the Public Health Information Regulations.

Consequential changes are made to the Public Health Information Regulations to ensure that these regulations are consistent in the terminology used.

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.