

Explanatory Memorandum to the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 14) 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) (Wales) (Amendment) (No. 14) Regulations 2021.

Eluned Morgan MS
Minister for Health and Social Services

29 November 2021

Description

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

1. 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 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.

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

3. Purpose and intended effect of the legislation

A highly concerning COVID-19 variant known as Omicron, has been identified in a number of countries. The World Health Organisation has designated it a variant of concern, due to the large number of mutations, some of which are concerning.

As a consequence of an assessment of the risk associated with this variant, the UK Government intended to add Angola, Malawi, Mozambique and Zambia to the ‘red list’ of countries but the need to obtain collective UK agreement resulted in a delay to the UK Regulations being laid. To ensure consistency in Wales with the position in England the Regulations were revoked.

Not adhering to the 21 day convention allowed these Regulations to revoke the earlier Regulations before they came into force, so as to continue the four nation approach to international travel.

Following further developments that evening and further UK-wide discussion Angola, Malawi, Mozambique and Zambia were added to the red list of countries on 27 November.

4. 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.

5. 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.